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CRIME

Tenth
United Nations Congress
on the Prevention of Crime
and the Treatment of Offenders

Vienna, 10-17 April 2000

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Report of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders*

Vienna, 10-17 April 2000

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Chapter I
Resolutions adopted by the Congress

1. The Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders adopted the following resolutions:

1. Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century

We the Member States of the United Nations,

Concerned about the impact on our societies of the commission of serious crimes of a global nature and convinced of the need for bilateral, regional and international cooperation in crime prevention and criminal justice,

Concerned in particular about transnational organized crime and the relationships between its various forms,

Convinced that adequate prevention and rehabilitation programmes are fundamental to an effective crime control strategy and that such programmes should take into account social and economic factors that may make people more vulnerable to and likely to engage in criminal behaviour,

Stressing that a fair, responsible, ethical and efficient criminal justice system is an important factor in the promotion of economic and social development and of human security,

Aware of the promise of restorative approaches to justice that aim to reduce crime and promote the healing of victims, offenders and communities,

Having assembled at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Vienna from 10 to 17 April 2000 to decide to take more effective concerted action, in a spirit of cooperation, to combat the world crime problem,

Declare as follows:

1. We note with appreciation the results of the regional preparatory meetings for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.[1]

2. We reaffirm the goals of the United Nations in the field of crime prevention and criminal justice, specifically the reduction of criminality, more efficient and effective law enforcement and administration of justice, respect for human rights and fundamental freedoms and promotion of the highest standards of fairness, humanity and professional conduct.

3. We emphasize the responsibility of each State to establish and maintain a fair, responsible, ethical and efficient criminal justice system.

4. We recognize the necessity of closer coordination and cooperation among States in combating the world crime problem, bearing in mind that action against it is a common and shared responsibility. In this regard, we acknowledge the need to develop and promote technical cooperation activities to assist States in their efforts to strengthen their domestic criminal justice systems and their capacity for international cooperation.

5. We shall accord high priority to the completion of the negotiation of the United Nations convention against transnational organized crime and the protocols thereto, taking into account the concerns of all States.

6. We support efforts to assist States in capacity-building, including in obtaining training and technical assistance and in developing legislation, regulations and expertise, with a view to facilitating the implementation of the convention and the protocols thereto.

7. Consistent with the goals of the convention and the protocols thereto, we shall endeavour:

(a) To incorporate a crime prevention component into national and international development strategies;

(b) To intensify bilateral and multilateral cooperation, including technical cooperation, in the areas to be covered by the convention and the protocols thereto;

(c) To enhance donor cooperation in areas with crime prevention aspects;

(d) To strengthen the capability of the Centre for International Crime Prevention, as well as the United Nations Crime Prevention and Criminal Justice Programme network, to assist States, at their request, in

[1] See A/CONF.187/RPM.1/1 and Corr.1, A/CONF.187/RPM.2/1, A/CONF.187/RPM.3/1 and A/CONF.187/RPM.4/1.

building capacity in areas to be covered by the convention and the protocols thereto.

8. We welcome the efforts being made by the Centre for International Crime Prevention to develop, in cooperation with the United Nations Interregional Crime and Justice Research Institute, a comprehensive global overview of organized crime as a reference tool and to assist Governments in policy and programme development.

9. We reaffirm our continued support for and commitment to the United Nations and to the United Nations Crime Prevention and Criminal Justice Programme, especially the Commission on Crime Prevention and Criminal Justice and the Centre for International Crime Prevention, the United Nations Interregional Crime and Justice Research Institute and the institutes of the Programme network, and resolve to strengthen the Programme further through sustained funding, as appropriate.

10. We undertake to strengthen international cooperation in order to create an environment conducive to the fight against organized crime, promoting growth and sustainable development and eradicating poverty and unemployment.

11. We commit ourselves to taking into account and addressing, within the United Nations Crime Prevention and Criminal Justice Programme, as well as within national crime prevention and criminal justice strategies, any disparate impact of programmes and policies on women and men.

12. We also commit ourselves to the development of action-oriented policy recommendations based on the special needs of women as criminal justice practitioners, victims, prisoners and offenders.

13. We emphasize that effective action for crime prevention and criminal justice requires the involvement, as partners and actors, of Governments, national, regional, interregional and international institutions, intergovernmental and non-governmental organizations and various segments of civil society, including the mass media and the private sector, as well as the recognition of their respective roles and contributions.

14. We commit ourselves to the development of more effective ways of collaborating with one another with a view to eradicating the scourge of trafficking in persons, especially women and children, and the smuggling of migrants. We shall also consider supporting the global programme against trafficking in persons developed by the Centre for International Crime Prevention and the United Nations Interregional Crime and Justice Research Institute, which is subject to close consultation with States and review by the Commission on Crime Prevention and Criminal Justice, and we establish 2005 as the target year for achieving a significant decrease in the incidence of those crimes worldwide and, where that is not attained, for assessing the actual implementation of the measures advocated.

15. We also commit ourselves to the enhancement of international cooperation and mutual legal assistance to curb illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and we establish 2005 as the target year for achieving a significant decrease in their incidence worldwide.

16. We further commit ourselves to taking enhanced international action against corruption, building on the United Nations Declaration against Corruption and Bribery in International Commercial Transactions,[2] the International Code of Conduct for Public Officials,[3] relevant regional conventions and regional and global forums. We stress the urgent need to develop an effective international legal instrument against corruption, independent of the United Nations convention against transnational organized crime, and we invite the Commission on Crime Prevention and Criminal Justice to request the Secretary-General to submit to it at its tenth session, in consultation with States, a thorough review and analysis of all relevant international instruments and recommendations as part of the preparatory work for the development of such an instrument. We shall consider supporting the global programme against corruption developed by the Centre for International Crime Prevention and the United Nations Interregional Crime and Justice Research Institute, which is subject to close consultation with States and review by the Commission on Crime Prevention and Criminal Justice.

17. We reaffirm that combating money-laundering and the criminal economy constitutes a major element of the strategies against organized crime, established as a principle in the Naples Political Declaration and Global Action Plan against Organized Transnational Crime.[4] We are convinced that the success of this action rests upon

[2] General Assembly resolution 51/191, annex.

[3] General Assembly resolution 51/59, annex.

[4] A/49/748, annex.

setting up broad regimes and coordinating appropriate mechanisms to combat the laundering of the proceeds of crime, including the provision of support to initiatives focusing on States and territories offering offshore financial services that allow the laundering of the proceeds of crime.

18. We decide to develop action-oriented policy recommendations on the prevention and control of computer-related crime, and we invite the Commission on Crime Prevention and Criminal Justice to undertake work in this regard, taking into account the ongoing work in other forums. We also commit ourselves to working towards enhancing our ability to prevent, investigate and prosecute high-technology and computer-related crime.

19. We note that acts of violence and terrorism continue to be of grave concern. In conformity with the Charter of the United Nations and taking into account all the relevant General Assembly resolutions, we will together, in conjunction with our other efforts to prevent and to combat terrorism, take effective, resolute and speedy measures with respect to preventing and combating criminal activities carried out for the purpose of furthering terrorism in all its forms and manifestations. With this in view, we undertake to do our utmost to foster universal adherence to the international instruments concerned with the fight against terrorism.

20. We also note that racial discrimination, xenophobia and related forms of intolerance continue, and we recognize the importance of taking steps to incorporate into international crime prevention strategies and norms measures to prevent and combat crime associated with racism, racial discrimination, xenophobia and related forms of intolerance.

21. We affirm our determination to combat violence stemming from intolerance on the basis of ethnicity and resolve to make a strong contribution, in the area of crime prevention and criminal justice, to the planned World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

22. We recognize that the United Nations standards and norms in crime prevention and criminal justice contribute to efforts to deal with crime effectively. We also recognize the importance of prison reform, the independence of the judiciary and the prosecution authorities and the International Code of Conduct for Public Officials.[3] We shall endeavour, as appropriate, to use and apply the United Nations standards and norms in crime prevention and criminal justice in national law and practice. We undertake to review relevant legislation and administration procedures, as appropriate, with a view to providing the necessary education and training to the officials concerned and ensuring the necessary strengthening of institutions entrusted with the administration of criminal justice.

23. We also recognize the value of the model treaties on international cooperation in criminal matters as important tools for the development of international cooperation, and we invite the Commission on Crime Prevention and Criminal Justice to call upon the Centre for International Crime Prevention to update the compendium in order to provide the most up-to-date versions of the model treaties to States seeking to utilize them.

24. We further recognize with great concern that juveniles in difficult circumstances are often at risk of becoming delinquent or easy candidates for recruitment by criminal groups, including groups involved in transnational organized crime, and we commit ourselves to undertaking countermeasures to prevent this growing phenomenon, to including, where necessary, provisions for juvenile justice in national development plans and international development strategies and to including the administration of juvenile justice in our funding policies for development cooperation.

25. We recognize that comprehensive crime prevention strategies at the international, national, regional and local levels must address the root causes and risk factors related to crime and victimization through social, economic, health, education and justice policies. We urge the development of such strategies, aware of the proven success of prevention initiatives in numerous States and confident that crime can be reduced through applying and sharing our collective expertise.

26. We commit ourselves to according priority to containing the growth and overcrowding of pre-trial and detention prison populations, as appropriate, by promoting safe and effective alternatives to incarceration.

27. We decide to introduce, where appropriate, national, regional and international action plans in support of victims of crime, such as mechanisms for mediation and restorative justice, and we establish 2002 as a target date for States to review their relevant practices, to develop further victim support services and awareness campaigns on the rights of victims and to consider the establishment

of funds for victims, in addition to developing and implementing witness protection policies.

28. We encourage the development of restorative justice policies, procedures and programmes that are respectful of the rights, needs and interests of victims, offenders, communities and all other parties.

29. We invite the Commission on Crime Prevention and Criminal Justice to design specific measures for the implementation and follow-up of the commitments that we have undertaken in this Declaration.

2. Credentials of representatives to the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

The Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Having examined the report of the Credentials Committee,[5]

Approves the report of the Credentials Committee.

Chapter II
Background of and preparations for the Congress

2. The Tenth United Congress on the Prevention of Crime and the Treatment of Offenders was convened in accordance with paragraph (d) of the annex to General Assembly resolution 415 (V) of 1 December 1950, which provided for the convening every five years of an international congress in the field, as well as in pursuance of Assembly resolutions 46/152 of 18 December 1991, 52/91 of 12 December 1997, 53/110 of 9 December 1998 and 54/125 of 17 December 1999.

3. On the recommendation of the Commission on Crime Prevention and Criminal Justice, as the preparatory body of the Congress, the General Assembly adopted resolution 52/91, in which it decided that four workshops should be held within the framework of the Tenth Congress. In its resolution 53/110, the Assembly welcomed the offer of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network to assist in the preparations for the workshops. In its resolution 54/125, the Assembly encouraged States, other entities concerned and the Secretary-General to work together in order to ensure that the four workshops focused clearly on the respective issues and achieved practical results, and invited interested Governments to follow up with concrete technical cooperation projects or activities; and invited donor countries to cooperate with developing countries to ensure their full participation in the workshops.

4. Regional preparatory meetings for the Tenth Congress were held in Bangkok from 2 to 4 November 1998, in cooperation with the Economic and Social Commission for Asia and the Pacific; in Beirut from 11 to 13 November 1998, in cooperation with the Economic and Social Commission for Western Asia; in Kampala from 7 to 9 December 1998, at the invitation of the Government of Uganda and in cooperation with the African Institute for the Prevention of Crime and the Treatment of Offenders; and in San José from 22 to 24 February 1999, at the invitation of the Government of Costa Rica and in cooperation with the Latin American Institute for the Prevention of Crime and the Treatment of Offenders.[6] A number of preparatory activities related to the organization of the workshops were also undertaken.

5. In its resolution 52/91, the General Assembly invited Member States to be represented at the Tenth Congress at a high political level, for example by heads of State, government ministers and attorneys-general. In accordance with Assembly resolution 54/125, the high-level segment of the Tenth Congress was held on 14 and 15 April 2000 to allow heads of State or Government or government ministers to focus on the main theme of the Congress.

[5] A/CONF.187/14 and Corr.1.

[6] For the reports of the regional preparatory meetings, see A/CONF.187/RPM.1/1 and Corr.1, A/CONF.187/RPM.2/1, A/CONF.187/RPM.3/1 and A/CONF.187/RPM.4/1.

Chapter III
Attendance and organization of work

A. Date and venue of the Congress

6. The Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders was held in Vienna from 10 to 17 April 2000, pursuant to General Assembly resolutions 52/91, 53/110 and 54/125.

B. Pre-Congress consultations

7. In conformity with the practice followed at United Nations special conferences and with General Assembly resolution 53/110, informal pre-Congress consultations were held on 9 April. Participation in the consultations was open to representatives of all States invited to the Congress. A number of recommendations on the organization of work of the Congress were agreed upon in the course of the consultations (see A/CONF.187/L.1).

C. Attendance

8. The following States were represented at the Congress: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Azerbaijan, Bahrain, Barbados, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, Egypt, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Haiti, Holy See, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe.

9. The United Nations Educational, Scientific and Cultural Organization was represented at the Congress.

10. The following United Nations offices and organs were represented by observers: Division for Public Economics and Public Administration of the Department of Economic and Social Affairs, Office of the United Nations High Commissioner for Human Rights, United Nations International Drug Control Programme Office in South Africa, United Nations International Drug Control Programme Office in Viet Nam, United Nations Centre for Human Settlements (Habitat), Economic Commission for Europe, United Nations Development Programme and United Nations Interregional Crime and Justice Research Institute.

11. The following affiliated regional institutes and associated institutes were also represented by observers: Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Latin American Institute for the Prevention of Crime and the Treatment of Offenders, European Institute for Crime Prevention and Control, affiliated with the United Nations, African Institute for the Prevention of Crime and the Treatment of Offenders, Australian Institute of Criminology, International Centre for Criminal Law Reform and Criminal Justice Policy, International Scientific and Professional Advisory Council, International Institute of Higher Studies in Criminal Sciences, Naif Arab Academy for Security Sciences, National Institute of Justice of the United States Department of Justice, Raoul Wallenberg Institute of Human Rights and Humanitarian Law and International Centre for the Prevention of Crime.

12. The following intergovernmental organizations were represented by observers: African Regional Centre for Technology, Asian-African Legal Consultative Committee, Association of South-East Asian Nations, Commonwealth of Independent States, Council of Arab Ministers of the Interior, Council of Europe, Council of the European Union, Customs Cooperation Council, European

Commission, European Police Office, International Committee of the Red Cross, International Criminal Police Organization, League of Arab States, Organization for Security and Cooperation in Europe, Organization for the Prohibition of Chemical Weapons, Sovereign Military Order of Malta and Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies.

13. The following non-governmental organizations were represented by observers:

General consultative status:

Caritas Internationalis (International Federation of Catholic Charities), International Abolitionist Federation, International Alliance of Women—Equal Rights, Equal Responsibilities, International Confederation of Free Trade Unions, International Council of Women, International Federation of Business and Professional Women, Soroptimist International, Women's Federation for World Peace International, World Muslim Congress, Zonta International.

Special consultative status:

American Correctional Association, Amnesty International, Asia Crime Prevention Foundation, Asian Women's Human Rights Council, Association for the Prevention of Torture, Association for the Study of the World Refugee Problem, Centro Nazionale di Prevenzione e Difesa Sociale, Coalition against Trafficking in Women, Europe 2000, Federation of American Women's Clubs Overseas, Friends World Committee for Consultation, Howard League for Penal Reform, Human Rights Watch, International Association against Drug Abuse and Drug Trafficking, International Association of Democratic Lawyers, International Association of Judges, International Association of Penal Law, International Bar Association, International Club for Peace Research, International Council of Psychologists, International Council on Alcohol and Addictions, International Federation of University Women, International Federation of Women in Legal Careers, International League for Human Rights, International Organization of Supreme Audit Institutions, International Prisoners Aid Association, International Society for Traumatic Stress Studies, International Society of Social Defence, Italian Centre of Solidarity, Japan Federation of Bar Associations, Lutheran World Federation, Marangopoulos Foundation for Human Rights, National Council of German Women's Organizations/Federal Union of Women's Organizations and Women's Groups of German Associations, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students), Penal Reform International, Prison Fellowship International, Salvation Army, Socialist International Women, Syriac Universal Alliance, World Council of Independent Christian Churches, World Federation for Mental Health, World Society of Victimology.

Roster:

European Union of Women, International Police Association, International Sociological Association.

Other:

Childnet International, Coalition for an International Criminal Court, Global Security Foundation, Inter-American Bar Association, International Association of Prosecutors, International Centre for Migration Policy Development, International Council of the Associations for Peace in the Continents, International Corrections and Prisons Association, International Penal and Penitentiary Foundation, National Associations Active in Criminal Justice, Transparency International.

14. Over 300 individual experts participated in the Congress as observers.

D. Opening of the Congress

15. The Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders was officially opened, on behalf of the Secretary-General of the United Nations, by the Deputy Secretary-General. The Deputy Secretary-General noted that the unprecedented challenges posed by the increasingly global criminal networks had led to the recognition that no country alone could cope with the growth of transnational crime. She drew attention to various new forms of transnational crime, stressing that they undermined confidence in political institutions and affected the stability and prosperity of societies. She also stressed that fighting crime in all its forms was an end in itself, because the victims were robbed of their dignity, basic rights, possessions or health or even their lives. Fighting crime was also part of what must be a global effort to create a more peaceful and more

prosperous world based on shared values of justice, democracy and human rights for all.

16. On his election as President of the Tenth Congress, Penuell Mpapa Maduna, Minister of Justice of South Africa, stated that he viewed his election as a reflection of renewed confidence in Africa and as a recognition of the new foundation for crime prevention and criminal justice that had been established in South Africa. He noted that the Tenth Congress was being held at a critical juncture, offering an opportunity for stocktaking and, in particular, for strengthening the response of the international community to the threat posed by transnational organized crime and to the need for effective crime prevention, improved treatment of offenders and greater justice for victims. The declaration to be adopted by the Tenth Congress offered an opportunity to develop a general framework for such international cooperation. He stressed the vulnerability of developing countries in the face of increasing crime, in particular organized crime.

17. The Secretary-General of the Congress, the Under-Secretary-General of the United Nations, Director-General of the United Nations Office at Vienna and Executive Director of the Office for Drug Control and Crime Prevention, made an opening statement. He stressed that, in the face of the global threat of organized crime, it was important to guarantee the rule of law, which entailed guaranteeing security, freedom and human dignity. The rule of law constrained those in power and protected vulnerable groups and individuals. He referred to a variety of crimes that had taken on a global dimension, such as money-laundering, corruption and trafficking in human beings. Corruption was especially worrisome, as it affected the criminal justice system. Testimony to the magnitude of the problem was the recent decision to develop an international instrument against corruption. The Secretary-General of the Congress stated that the United Nations convention against transnational organized crime, which was being drafted, should be a forward-looking instrument. The Congress was meeting to promote justice throughout the world. It was necessary to ensure that there were no safe havens for criminals.

18. Hanna Suchocka, Minister of Justice of Poland, noted that the timing of the Tenth Congress was important because it provided an opportunity to review the progress made in crime prevention and criminal justice and to formulate plans for future work. The expansion of transnational crime posed a challenge to society. Accordingly, the Tenth Congress should call for expanded and more efficient international cooperation. The weak links in that cooperation should be identified and eliminated or at least minimized. Furthermore, the possibility of basing international cooperation on new approaches should be examined further. One such approach had been made possible by the establishment of the International Criminal Court. In 1996, Poland had submitted to the General Assembly a draft of a convention against organized crime; that initiative had made possible another such approach. The finalization and adoption of the draft United Nations convention against transnational organized crime should receive top priority.

19. At its opening meeting, the Tenth Congress was also addressed by the representative of Uruguay (on behalf of the Group of 77 and China), the representative of Guatemala (on behalf of the Group of Latin American and Caribbean States), the representative of Austria (on behalf of the Group of Western European and Other States), the representative of Ethiopia (on behalf of the Group of African States), the representative of Portugal (on behalf of the States members of the European Union that are Members of the United Nations) and the representative of Egypt, the host country of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Cairo from 29 April to 8 May 1995.

E. Election of the President and other officers

20. At its 1st plenary meeting, on 10 April, the Congress elected, by acclamation, Penuell Mpapa Maduna, Minister of Justice of South Africa, President of the Congress.

21. At the same meeting, the Congress also elected by acclamation Matti Joutsen (Finland) as Rapporteur-General, R. K. Raghavan (India) as Chairman of Committee I, Željko Horvatić (Croatia) as Chairman of Committee II and the following States as Vice-Presidents: Algeria, Australia, Belgium, Burkina Faso, Cameroon, China, Croatia, Cuba, Ecuador, Egypt, Guatemala, India, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Mexico, Morocco, Netherlands, Nigeria, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Russian Federation, Spain and Turkey. However, Spain, with the agreement of the Group of Western European and Other States, relinquished the post of Vice-President in favour of Finland so that Finland could accept the post of Rapporteur-General.

22. At its 5th meeting, on 12 April, Committee I elected Cristina Luzescu (Romania) as Vice-Chairman.

23. At its 1st meeting, on 10 April, Committee II elected by acclamation Mariano Ciafardini (Argentina) as Rapporteur. At its 3rd meeting, on 11 April, Committee II elected by acclamation Wouter Meurs (Netherlands) as Vice-Chairman.

24. At its 1st plenary meeting, on 10 April, the Congress endorsed the recommendation of the pre-Congress consultations that Gustavo Bell Lemus, Vice-President of the Republic of Colombia, chair the high-level segment of the Congress.

F. Adoption of the rules of procedure

25. At its 1st plenary meeting, on 10 April, the Congress adopted its rules of procedure by consensus (A/CONF.187/2).

G. Adoption of the agenda

26. Also at its 1st plenary meeting, the Congress adopted the provisional agenda (A/CONF.187/1) as approved by the General Assembly in its resolution 53/110. The agenda was as follows:

1. Opening of the Congress.
2. Organizational matters:
   (a) Election of the President and of other officers;
   (b) Adoption of the rules of procedure;
   (c) Adoption of the agenda;
   (d) Organization of work;
   (e) Credentials of representatives to the Congress:
      (i) Appointment of members of the Credentials Committee;
      (ii) Report of the Credentials Committee.
3. Promoting the rule of law and strengthening the criminal justice system.
4. International cooperation in combating transnational crime: new challenges in the twenty-first century.
5. Effective crime prevention: keeping pace with new developments.
6. Offenders and victims: accountability and fairness in the justice process.
7. Adoption of the report of the Congress.

H. Organization of work

27. At its 1st plenary meeting, on 10 April, in accordance with the recommendations of the pre-Congress consultations (see A/CONF.187/L.1), the Congress approved its organization of work, on the understanding that 16 April would be reserved for informal consultations and that any further adjustments that might be required would be made during the Congress. Accordingly, the high-level segment and the consideration of agenda items 1, 4 and 7 would take place in plenary meetings, agenda items 3, 5 and 6 would be allocated to Committee I and the four workshops would be allocated to Committee II. The Congress decided to establish, in Committee I, an open-ended working group to be chaired by John Freeman, Ambassador of the United Kingdom of Great Britain and Northern Ireland, to finalize the preliminary draft of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century (A/CONF.187/4 and Add.1). The Congress also approved a number of recommendations with regard to the report of the Congress.

I. Credentials of representatives to the Congress: appointment of members of the Credentials Committee

28. Also at its 1st plenary meeting, the Congress, in accordance with rule 4 of its rules of procedure (A/CONF.187/2), decided that the Credentials Committee would be composed of the following States: Austria, Bolivia, China, Philippines, Russian Federation, South Africa, Togo, Trinidad and Tobago[7] and United States.

[7] Replaced subsequently by Honduras.

Chapter IV
High-level segment of the Congress*

29. The high-level segment of the Congress was held on 14 and 15 April. Statements were made by 76 high-level officials. At the first meeting of the high-level segment, on 14 April, the following persons made statements:

Gustavo Bell Lemus
Vice-President of the Republic of Colombia and President of the high-level segment of the Congress

Secretary-General of the Congress

Mikuláš Dzurinda
Prime Minister of Slovakia

António Costa
Minister of Justice of Portugal (on behalf of the States members of the European Union that are Members of the United Nations)

Emamoli Rakhmonov
President of the Republic of Tajikistan

Farid Bencheikh
Special Representative of the President of the People's Democratic Republic of Algeria

Roberto Díaz Sotolongo
Minister of Justice of Cuba

Mohammad Javad Zarif
Deputy Minister for Legal and International Affairs, Ministry of Foreign Affairs of the Islamic Republic of Iran

Charles Clarke
Minister of State of the United Kingdom of Great Britain and Northern Ireland

Kari Häkämies
Minister of the Interior of Finland

Kim Kyung-han
Vice-Minister of Justice of the Republic of Korea

Hansjörg Geiger
State Secretary, Ministry of Justice of Germany

Hanna Suchocka
Minister of Justice and Attorney-General of Poland

Leoluca Orlando
Mayor of Palermo, Italy

30. At the 2nd meeting of the high-level segment, on 14 April, the following persons made statements:

Stephen Vukile Tshwete
Minister for Safety and Security of South Africa

Ricardo Gil Lavedra
Minister of Justice and Human Rights of Argentina

Tonio Borg
Minister for Home Affairs of Malta

Gao Changli
Minister of Justice of China

Saad Al-Nasir Al-Sadiri
Deputy Minister of the Interior of Saudi Arabia

Eduardo Ibarrola Nicolín
Deputy Attorney-General for Legal and International Affairs of Mexico

Federico Adolfo Urruela Prado
Ambassador and Permanent Representative of Guatemala to the United Nations (Vienna) (on behalf of the Group of Latin American and Caribbean States)

Baltazar Garzón
High Court of Madrid, Spain

Anne McLellan
Minister of Justice of Canada

Keisuke Kitajima
Prosecutor-General of Japan

Hikmet Sami Türk
Minister of Justice of Turkey

Juan Antonio Chahín Lupo
Minister of Justice and Human Rights of Bolivia

Ibolya Dávid
Minister of Justice of Hungary

Amanda Eloise Vanstone

* For a summary of the general discussion of the high-level segment, see annex I.

Senator and Minister of Justice and Customs of Australia

Pavel Vacek
Ambassador and Permanent Representative of the Czech Republic to the United Nations (Vienna)

Joseph H. Gnonlonfoun
Minister of Justice of Benin

Isan M. Mustafaev
Deputy Minister of Foreign Affairs of Uzbekistan

Chor Chee Heung
Deputy Minister of Home Affairs of Malaysia

Ranko Marijan
Deputy Minister of Justice of Croatia

Ana Reátegui Napuri
Vice-Minister of Justice of Peru

Rómulo González Trujillo
Minister of Justice of Colombia

Thomas Sanon
Ambassador and Permanent Representative of Burkina Faso to the United Nations (Vienna)

Mario Guillermo Ruiz Wong
Minister of the Interior of Guatemala

31. At the 3rd meeting of the high-level segment, on 15 April, the following persons made statements:

Benk H. Korthals
Minister of Justice of the Netherlands

José Luis González Montes
State Secretary, Ministry of Justice of Spain

Elizabeth G. Verville
Special Representative of the Bureau for International Narcotics and Law Enforcement Affairs, Department of State of the United States of America

Robert Mbella Mbappe
Minister of Justice of Cameroon

Pierre Charasse
Special Ambassador in Charge of the Fight against Corruption and Organized Crime, Ministry of Foreign Affairs of France

Abderrahim Benmoussa
Ambassador and Permanent Representative of Morocco to the United Nations (Vienna)

Mykola Dzhyga
First Deputy Minister, Ministry for Internal Affairs of Ukraine

Valeriu Stoica
Deputy Prime Minister and Minister of Justice of Romania

Lazaros S. Savvides
Permanent Secretary of the Ministry of Justice and Public Order of Cyprus

Kristina Rennerstedt
Under-Secretary of State, Ministry of Justice of Sweden

Gintaras Balčiūnas
Minister of Justice of Lithuania

Hussein Mohammed
Minister of the Interior of Yemen

Ramil Usubov
Minister of the Interior of Azerbaijan
Ilir Panda
Minister of Justice of Albania

Ján Čarnogurský
Minister of Justice of Slovakia

Øystein Mæland
State Secretary, Ministry of Justice of Norway

Amin Banan New
Minister of State
Ministry of Justice of the Sudan

Giuseppe Ayala
Under-Secretary of State, Ministry of Justice of Italy

Rhousdy Soeriaatmadja
Ambassador and Permanent Representative of Indonesia to the United Nations (Vienna)

Maria-Pia von Liechtenstein
Ambassador of the Principality of Liechtenstein to Vienna

32. At the 4th meeting of the high-level segment, on 15 April, the following persons made statements:

R. K. Raghavan
Director of the Central Bureau of Investigation of India

Jose Abudo
Minister of Justice of Mozambique

E. N. Tjiriange
Minister of Justice and Attorney-General of Namibia

V. I. Kozlov
First Deputy Minister, Ministry of the Interior of the Russian Federation

Dieter Böhmdorfer
Minister of Justice of Austria

Patricio Morales Aguirre
Vice-Minister of Defence of Chile

Victor G. Garcia III
Ambassador and Permanent Representative of the Philippines to the United Nations (Vienna)

Refet Elmazi
Deputy Minister of the Interior of the former Yugoslav Republic of Macedonia

Said Abdulaati
Ambassador and Permanent Representative of the Libyan Arab Jamahiriya to the United Nations (Vienna)

D. Dabengwa
Minister of Home Affairs of Zimbabwe

Maher Abdel Wahed
Prosecutor-General of Egypt

Saiyid Said Hilal Al-Busaidy
President of the Criminal Courts of Oman

Januaria Tavares Silva Moreira Costa
Minister of Justice of Cape Verde

Mohammad Lawal Uwais
Chief Justice of Nigeria

Farid A. Amin
Acting Representative, Permanent Mission of Afghanistan to the United Nations (Vienna)

Elio Gómez Grillo
Vice-President of the Commission of the Functioning and Restructuring of the Judicial System of Venezuela

Kieng Vang
Secretary of State of Cambodia

Camille LeBlanc
Minister of Justice of Haiti

Shaukat Umer
Ambassador and Permanent Representative of Pakistan to the United Nations (Vienna)

Gerard Havyaremana
Procurator of Burundi

Action taken at the high-level segment

33. At the 4th meeting of the high-level segment, on 15 April 2000, the Congress adopted the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century (A/CONF.187/4/Rev.3) (see chap. I, resolution 1).

34. After the adoption of the Declaration, statements were made by Uruguay (on behalf of the Group of 77 and China), Portugal (on behalf of the States members of the European Union that are Members of the United Nations), Morocco and the United Kingdom.

Chapter V
Consideration of agenda items in plenary meetings and by the sessional bodies

A. The state of crime and criminal justice worldwide

35. In accordance with paragraph 11 of General Assembly resolution 52/91, the Secretary-General prepared an overview of the state of crime and criminal justice worldwide for presentation at the opening of the Tenth Congress. The Congress considered the report of the Secretary-General on the question (A/CONF.187/5) at its 2nd to 4th plenary meetings, on 10 and 11 April.

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36. At the 2nd plenary meeting, on 10 April, statements were made by the representatives of Mexico, Australia, South Africa, the United Arab Emirates, Ukraine, the Philippines, Lebanon, Japan, Argentina, Chile and Colombia.

37. At the 3rd plenary meeting, on 10 April, statements were made by the representatives of Spain, Oman, the Holy See, Belgium, Austria, Israel, Peru, Uganda, Qatar, Sierra Leone and the Libyan Arab Jamahiriya. The observer for the Council of Arab Ministers of the Interior also made a statement.

38. At the 4th plenary meeting, on 11 April, statements were made by the representatives of Slovenia, Kazakhstan, Kuwait, the United Kingdom, Romania, Nigeria, Bolivia, Panama, Afghanistan and Venezuela. The observers for the Commonwealth of Independent States and the League of Arab States made statements. Statements were also made by the observers for the International Scientific and Professional Advisory Council and the Naif Arab Academy for Security Sciences.

General discussion

39. The representative of the Centre for International Crime Prevention made an introductory statement in which he highlighted the different patterns of conventional and non-conventional crime in the major regions of the world, including corruption, organized crime, drug trafficking, trafficking in human beings and money-laundering. He noted that the available data strengthened the criminological assertion of a correlation between poverty and lack of opportunities and crime. Although reported crime had decreased during the 1990s in countries of western Europe and North America, the crime reported elsewhere had tended to increase, which had resulted in an increase in what could be termed a "security gap" between developing and developed countries. The data, however, showed that affluent States could also experience high crime rates, as a result of the greater availability of opportunities and goods.

40. The representative of the Centre for International Crime Prevention noted that the Centre had initiated a global study of trends in transnational organized crime. Initial results had suggested that the growth of organized crime was especially strong where there was a culture of lawlessness, as indicated by a poor perception of the independence of the judiciary, a perception of widespread corruption and a perception of poor police effectiveness. Further, there appeared to be a strong statistical correlation between the extent of organized crime and expected economic growth. The representative concluded by noting that those results suggested that criminal justice systems should become more international in outlook. Those working in the system should seek to reach out to their colleagues in other countries. He expressed the hope that the Tenth Congress would come to be known as the occasion on which the internationalization of criminal justice was truly initiated.

41. Many speakers reported on trends and developments in criminal activity in their respective countries, as well as on the most recent developments in legislation, criminal policy and law enforcement. In quantitative terms, it was emphasized that crime rates might increase or decrease, depending on specific social and economic circumstances. States that enjoyed political, economic and socio-cultural stability might be characterized by relatively stable crime rates. States undergoing rapid development or major economic or political transition might in turn experience increases in crime rates. The speakers were almost unanimous in drawing attention not so much to quantitative changes in crime as to the changing characteristics of criminal activity.

42. Many speakers described local and national prevention, rehabilitation and victim-oriented programmes and strongly advocated giving more attention to such programmes.

43. The main focus in most national statements was on the new forms of transnational organized crime and speakers referred to a number of economic and political factors at the local, national and international levels that had increased the threat posed by those new forms of crime. In that respect, some negative effects of globalization were identified. According to some speakers, the globalization of markets might generate wealth while increasing inequality. The growing gap between affluent and disadvantaged countries encouraged migration and receiving countries were often not prepared to guarantee rights to the newcomers. Movement of goods and persons across borders had increased dramatically in recent years and opportunities for criminal groups to transport goods and persons illegally had increased simultaneously. Transnational criminal groups were taking advantage of the lack of harmonization in criminal justice systems and were exploiting their weaknesses. Among the concerns expressed was that the growth of transnational crime activity was accompanied by a corollary of illegal acts, such as corruption of officials and money-laundering.

Conclusions

44. Speakers emphasized the importance of developing policies at both the national and international levels. The fair and efficient management and administration of criminal justice, with due regard paid to human rights, were recognized as fundamental prerequisites for social and economic development.

45. High priority was given by speakers to the social dimension of crime prevention through the active participation of communities within the framework of preventive strategies. Particular reference was made to the importance of strengthening educational programmes aimed at preventing juveniles from committing crime and of addressing the problem of domestic violence and, in particular, violence against women.

46. The participants emphasized the need to give appropriate consideration to the interests and concerns of victims in the criminal justice system and to explore the possibility of more widespread use of mediation and the principles of restorative justice.

47. Support was expressed for the appropriate development and wider use of non-custodial sanctions as a means of reducing prison overcrowding and of ensuring the easier reintegration of offenders into society.

48. The following calls for action were made:

(a) International cooperation should be strengthened, in particular to facilitate mutual legal assistance. Governments should seek to encourage the sharing of information, experiences and best practices in responding to crime at the regional and international levels;

(b) Governments should seek to review their preventive policies with a view to involving civil society more closely and to assigning priority to the most vulnerable social groups, such as women and children. Governments were also urged to review their policy in respect of assistance and support to victims of crime, in compliance with internationally recognized human rights instruments.

B. International cooperation in combating transnational crime: new challenges in the twenty-first century

49. At its 1st plenary meeting, on 10 April, the Congress allocated agenda item 4, "International cooperation in combating transnational crime: new challenges in the twenty-first century", to the plenary. For its consideration of the item, the Congress had before it the following documents:

(a) Note by the Secretariat on the preliminary draft of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century (A/CONF.187/4 and Add.1);

(b) Working paper prepared by the Secretariat on international cooperation in combating transnational crime: new challenges in the twenty-first century (A/CONF.187/6);

(c) Background paper for the workshop on combating corruption (A/CONF.187/9).

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50. The Congress considered the item at its 5th, 7th and 8th meetings, on 12 and 13 April.

51. At the 5th plenary meeting, on 12 April, the President of the Congress made an introductory statement, followed by a statement by an expert.

52. Also at the 5th meeting, a panel presentation was organized on international cooperation and the role of prosecutors and central authorities in combating transnational organized crime. (The experts participating in the

panel presentation are listed in annex II to the present report.)

53. At the same meeting, statements were made by the representatives of the Netherlands, Turkey, Japan, Zambia, Australia, Uzbekistan and the Syrian Arab Republic.

54. At its 7th meeting, on 13 April, the Congress focused its discussion on the current status of the United Nations convention against transnational organized crime. The topic was presented by a representative of the Centre for International Crime Prevention.

55. Also at the 7th meeting, statements were made by the representatives of Botswana, Egypt, Qatar, Italy, Sri Lanka, Cameroon, Romania, Brazil, Ghana and Togo. The observer for the International Association of Prosecutors also made a statement.

56. At the same meeting, the representatives of Austria and the United States and the observers for the European Commission and Childnet presented a report on the International Conference on Combating Child Pornography on the Internet, held in Vienna from 29 September to 1 October 1999.

57. At its 8th plenary meeting, on 13 April, the Congress focused its discussion on two topics: transnational organized crime and organized criminal groups; and links between transnational organized crime and economic and financial crime.

58. Also at the 8th meeting, statements were made by the representatives of the Islamic Republic of Iran, Cuba, Croatia, the Czech Republic and Belarus. Statements were also made by the observers for the African Institute for the Prevention of Crime and the Treatment of Offenders, the International Centre for Migration Policy Development, the Asia Crime Prevention Foundation, Penal Reform International and the International Federation of Women in Legal Careers.

General discussion

59. Participants were informed about developments in crime in a number of countries throughout the world. Crime was described as having become more widespread and invidious, increasingly affecting everyday life. At the same time, various forms of organized crime were endangering the economic, social and political development of entire countries. The increasing links between conventional organized crime and white-collar crime were highlighted.

60. Many speakers referred to the substantial increase in the number of crimes perpetrated by organized criminal groups at the national and international levels, such as drug trafficking, trafficking in human beings, the illicit manufacture of and trafficking in firearms, corruption and money-laundering. Reference was also made to the increase in terrorist activities and to the links between terrorism and other forms of crime.

61. Many States recognized that acts involving international financial crime were becoming bigger, bolder and more common than ever before. One of the problems in fighting financial crime was stated to be jurisdictional limits. States recognized an immediate need to strengthen methods of cooperation in the investigation and prosecution of financial crime.

62. Many speakers stressed the importance of global cooperation in crime prevention and criminal justice. Several speakers noted that no State acting alone could respond with sufficient effectiveness to the many forms of crime, taking into consideration their complexity and their transnational links. It was argued that crime prevention and criminal justice were the shared responsibility of States.

63. In that connection, several speakers commented on the special needs of developing countries for assistance in that area. While expressing gratitude to international donors, those speakers noted that technical assistance, training, the sharing of information and expertise on crime prevention and control, together with financial assistance, continued to be needed not only to strengthen democratic institutions, the effective application of the rule of law and involvement of the community in crime prevention and criminal justice, but also, for example, to set up programmes dealing with specific forms of crime or specific aspects of criminal justice.

64. Several speakers referred to promising initiatives that could serve to expedite responses to requests for the following: international judicial assistance in criminal cases, such as the use of liaison officials; the preparation of manuals; the use of databases on contact points, national procedures and practical issues; the provision of model requests and model approaches; the establishment of international judicial networks; and the organization of training in legal systems and languages. Regarding the pivotal role played by prosecutors, it was suggested that the Centre for International Crime Prevention, in collaboration with organizations such as the International Association of Prosecutors, could play a major role in

assisting Member States in establishing electronic networks among prosecutors and in preparing directories.

65. Other speakers referred to a number of promising international forums and mechanisms for the promotion of international cooperation, including bilateral and multilateral instruments, regional institutions and intergovernmental organizations. Many speakers stressed that it was important for developed countries and developing countries alike to follow a coherent joint approach.

66. Many speakers referred to the work of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime. Some stressed the importance of mobilizing the political will to finalize the negotiations on the draft United Nations convention against transnational organized crime and its draft protocols. Other speakers expressed the hope that the pace of the negotiations would not have an adverse impact on equitable participation and that sufficient time would be provided to examine the important issues involved, in view of the fact that the goal was to develop a universal instrument that would increase cooperation among all Member States. The need to respect the principles of public international law and, in particular, the sovereignty of States was noted.

67. Several speakers welcomed the summary of best strategies to combat child pornography on the Internet contained in the report on the International Conference on Combating Child Pornography on the Internet (see para. 56). The need for worldwide criminalization of child pornography and closer cooperation between Governments and the Internet industry was stressed.

68. Many speakers made reference to the auspicious timing of the Tenth United Nations Congress. The past few decades had been replete with economic, political and social change that had led to new and more widespread forms of crime. In the view of those speakers, the Tenth Congress offered an excellent opportunity to take stock of developments in crime and criminal justice and to consider what should be done to respond to the challenges of the twenty-first century.

69. Several speakers noted that the United Nations congresses on the prevention of crime and the treatment of offenders provided an opportunity to exchange information and set policy. The congresses were described as being important in guiding the international community.

70. The Attorney-General of Thailand reported on the results of the Asia-Pacific Ministerial Seminar held in Bangkok on 20 and 21 March 2000. He announced that the Government of Thailand wished to host the Eleventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, bearing in mind the possibility of changes being made to the procedural and substantive organization of work, time-frame, format or title of the event.

71. At the 2nd meeting of the high-level segment, on 14 April, the Deputy Attorney-General for Legal and International Affairs of Mexico announced that the Government of Mexico had extended an invitation to host the Eleventh Congress. The representative of Guatemala, speaking on behalf of the Group of Latin American and Caribbean States, expressed support for the invitation of the Government of Mexico. Other speakers expressed their support for the invitations extended by the Governments of Mexico and Thailand.

72. Several speakers expressed gratitude to the United Nations, in particular to the Office for Drug Control and Crime Prevention, for the support that it had provided to individual Member States or regions. The global programmes on corruption and on trafficking in human beings and the mapping of organized crime were commended. Appreciation was also expressed for the work of the United Nations Crime Prevention and Criminal Justice Programme network.

Conclusions

73. Participants strongly reaffirmed the importance of international cooperation in the prevention and control of transnational organized crime. In that respect, the United Nations could act as a catalyst.

74. There was broad consensus that the draft United Nations convention against transnational organized crime could be an effective tool for preventing and controlling transnational crime. Speakers sought the early adoption of that instrument. In addition, many speakers urged States to take the necessary measures to ensure that the provisions of the convention were implemented as soon as possible within the framework of their national legal systems.

C. Promoting the rule of law and strengthening the criminal justice system

75. At its 1st plenary meeting, on 10 April, the Congress allocated agenda item 3, "Promoting the rule of law and strengthening the criminal justice system" (topic I), to Committee I, in accordance with the programme of work proposed by the Secretary-General (E/CN.15/1999/6 and Corr.1, para. 8 and annex) and approved by the General Assembly in its resolution 54/125. For its consideration of the item, the Congress had before it a working paper prepared by the Secretariat (A/CONF.187/3).

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76. At its 1st to 3rd meetings, on 10 to 12 April 2000, Committee I held a general discussion of the item under the chairmanship of R. K. Raghavan (India).

77. The Committee was assisted in its deliberations by a panel of experts, who introduced the discussion on the rule of law during conflicts or periods of transition, on problems in and solutions for creating and implementing new legislation and on the balancing of judicial independence with judicial accountability. (The experts participating in the panel presentations are listed in annex II to the present report.)

78. At the 1st meeting, on 10 April, statements were made by the representatives of Sweden, China, Austria, Croatia, Argentina, South Africa, Cameroon and Namibia and by the observer for Penal Reform International.

79. At the 2nd meeting, on 11 April, statements were made by the representatives of Thailand, Cuba, Turkey, the United States, the Republic of Korea, France, Poland, Slovakia, Argentina and Mexico.

80. At the 3rd meeting, on 12 April, statements were made by the representatives of Bolivia, Peru, Egypt, Canada, Ukraine, Oman, the Sudan, Swaziland and Madagascar.

General discussion

81. Several speakers referred to recent examples of conflicts and periods of transition that illustrated the relationship between a lack of rule of law and organized crime. It was stated that the conflict in Kosovo had resulted in an explosion of organized crime in areas such as drug trafficking and trafficking in women and children, the effects of which had been felt on a regional scale. The creation of a credible international early warning body that would be consulted in order to advise Governments in the planning and execution of peacekeeping operations was proposed. The importance of assessing possible weak areas in the rule of law to ensure effective crime control during post-conflict reconstruction was stressed.

82. It was also stated that, in South Africa, the repressive and politically oriented criminal justice system of the past, especially the system of policing and prosecution, had led to a general inability to cope with new challenges during transition, in particular problems posed by organized crime and money-laundering. The example of South Africa was used to illustrate the challenges of introducing new legislation, especially innovative policies, which might be viewed with suspicion by court or other officials. Another significant problem was that the application of urgently needed legislation was being delayed by judicial uncertainty while new laws were being interpreted by the courts.

83. Several speakers noted that an increase in lawlessness was a common feature of emerging democracies. It was argued that among the factors contributing to that increase was the fact that respect for authority and for the rule of law had deteriorated under previous regimes. New democracies faced challenges in creating new laws and infrastructure and coping with increased crime, which often occurred during transition. The public's loss of confidence in the new system might even produce a backlash that would weaken the protection of accused persons.

84. Among the recurring themes in many of the presentations were the importance of maintaining a balance between the efficiency of criminal justice systems and the protection of individual rights, the need to address the economic factors contributing to crime and the importance of combating corruption.

85. In referring to judicial independence and accountability, several speakers emphasized the importance of there being a system of judicial appointment based on professional qualification and not on political affiliation. Several speakers referred to the need to introduce a code of judicial ethics as a means of holding members of the judiciary accountable without compromising their independence. It was suggested that such a code should be drafted and enforced by the judiciary, with the participation of the community.

86. Several speakers referred to a variety of difficulties in international cooperation, difficulties that were being exploited by organized criminal groups. The participants

stressed that, although effective international cooperation required the appropriate institutional arrangements, the human element was important. The point was made in the discussion that it was not States and institutions that cooperated, but the people in the system. It was suggested that, with due respect to the principle of the rule of law, creative alliances could be developed between the practitioners concerned in order to overcome unnecessary formalities and delays in international cooperation.

Conclusions

87. In the discussion of agenda item 3, several key components of the rule of law were identified, including the following: laws should conform to the standards enshrined in the Universal Declaration of Human Rights[8] and other international instruments; the law should be applied fairly and equally to all and should be accessible to all; the law should respect the separation of powers of different branches of government; laws should be capable of being accepted and obeyed; and laws should be drafted clearly and comprehensively.

88. In the discussion the point was also raised that the adoption of laws alone did not necessarily result in the desired changes in the criminal justice system. What was further needed was effective implementation whereby the law would be accepted and respected by both civil society and those administering criminal justice. That could be promoted through the involvement of the community at the grass-roots level. Some problems facing the implementation of the law were identified, such as the limitation of financial resources, the lack of adequate personnel and facilities, judicial and institutional resistance and the need for profound changes in attitudes and practices in order to make it possible to deal with bigger and more complicated cases.

89. The participants also stressed the importance of maintaining a balance between the efficiency of administering the criminal justice system and the protection of the basic rights of those involved in the criminal process, such as fairness and equality before the law.

90. The participants recognized that international cooperation was the key to making the rule of law work universally. Especially for many developing countries and countries with economies in transition, technical assistance was essential for making the rule of law a reality and for strengthening criminal justice systems. Such assistance could often lead to benefits for both the recipient and the donor.

91. The participants agreed on the need to respond to new forms of crime. For example, sophisticated organized criminal groups had adopted new methods and States must find ways to deal with those developments effectively while respecting basic rights and the rule of law.

92. The participants reaffirmed the importance of existing international instruments such as the Universal Declaration of Human Rights and relevant conventions. They affirmed the importance of new and emerging international instruments such as the draft United Nations convention against transnational organized crime[9] and the three draft protocols, and the Rome Statute of the International Criminal Court.[10]

93. Governments were urged to deal with the underlying causes of crime when implementing law reform. The causes of breakdowns in justice should be studied in order to strengthen the rule of law. Plans for reform should take into consideration the two prerequisites for the rule of law: an effective and impartial justice system and open, transparent and accountable government.

94. It was stated that, where such a code did not exist, Governments should give consideration to the development of a code of judicial ethics prescribing standards of conduct both in and out of court, establishing the relationship between the judiciary and other branches of government, as well as between the judiciary and other officials in the criminal justice system.

95. Governments planning and executing peacekeeping operations and post-conflict reconstruction in accordance with relevant Security Council resolutions, were urged to consider, where appropriate in cooperation with other members of the international community, the establishment of a system for addressing crime control in order to prevent organized criminal groups from exploiting weak areas in the rule of law.

96. Governments were also urged to strengthen technical assistance, in particular to developing countries and countries with economies in transition, in order to promote the effective implementation of the rule of law.

[8] General Assembly resolution 217 A (III).

[9] A/AC.254/4/Rev.8.

[10] A/CONF.183/9.

97. It was stated that Governments should strive to simplify and expedite international cooperation procedures wherever possible, with due respect for the rule of law.

D. Effective crime prevention: keeping pace with new developments

98. At its 1st plenary meeting, on 10 April, the Congress allocated agenda item 5, entitled "Effective crime prevention: keeping pace with new developments" (topic III), to Committee I, in accordance with the programme of work proposed by the Secretary-General (E/CN.15/1999/6 and Corr.1, para. 8 and annex) and approved by the General Assembly in its resolution 54/125. For its consideration of the item, the Congress had before it a working paper prepared by the Secretariat (A/CONF.187/7).

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99. At its 4th to 6th meetings, on 12 to 14 April, Committee I held a general discussion of the item under the chairmanship of R. K. Raghavan (India). The Vice-Chairman was Cristina Luzescu (Romania).

100. At its 4th meeting, on 12 April, the Committee was assisted in its deliberations by a panel of experts. (The experts participating in the panel presentation are listed in annex II to the present report.)

101. Also at the 4th meeting, the discussion focused on the new challenges in crime prevention, differences between organized and traditional forms of crime and the dramatic increase in crime during periods of transition. Following a presentation by the three panellists, statements were made by the representatives of Botswana, Argentina, Haiti, Mexico, Finland and Australia.

102. At the 5th and 6th meetings, on 13 and 14 April, the discussion focused on new strategies for and developments in effective crime prevention. Statements were made by the representatives of Cuba, South Africa, Sweden, China, France, Botswana, Venezuela, the United States, the United Kingdom, the Republic of Korea, Poland, Croatia, Argentina, the Sudan, Canada, the Netherlands, Egypt and Latvia. Statements were also made by the observers for the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, the Japan Federation of Bar Associations and Penal Reform International. The observer for the International Centre for the Prevention of Crime presented the findings of the workshop on community involvement in crime prevention.

General discussion

103. It was stated that crime prevention strategies differed, as the situations and development levels of countries were different. Crime prevention initiatives involved seeking to promote safety and security and included activities on the part of the "formal" system of criminal justice (for example, the legal system, the police, prosecutors and courts), as well as actors and organizations comprising the "informal" system (for example, schools, religious institutions and the community). Both systems exercised, to varying degrees, social control over the members of the community. The formal system of criminal justice worked in a preventive and repressive manner to deter or prevent involvement in crime. The informal system worked to instil an appreciation of the rule of law and commitment to the community and its norms. Those two systems depended upon one another.

104. It was stated that many Governments, especially in developed countries, had traditionally relied on the formal system of criminal justice to prevent crime. Other Governments had relied on the capacity of the community to regulate transgressions by its members. Both, however, had concluded that crime prevention was not the sole responsibility of law enforcement, that there was a need to invest in the informal mechanisms of social control and that the two systems should work together. Numerous countries had emphasized the need for partnerships between government (at the national, regional and local levels) and non-governmental organizations, professionals and civil society in order to provide effective crime prevention. Those partnerships should be formed at all levels of society and government should play a lead role. Any national strategies must be attentive to the specific needs of, and must focus on, the community. Partnerships should include all those components at each stage of the prevention process, from diagnosis to the development of a clear plan of action, shared implementation and evaluation.

105. It was noted that there were many ways to classify crime prevention. One of the most basic classifications drew a distinction between situational prevention and social prevention. Situational crime prevention emphasized the reduction of opportunities for crime, whereas social prevention sought to reduce criminal factors and motivation.

106. It was stated that situational crime prevention, with its emphasis on reducing opportunities to commit crime, had grown the most in the previous 20 years. That approach, which had been followed to a large extent in the business sector, had led to an expanding market in, for example, private security policing, city planning, closed-circuit television, measures aimed at improved lighting and locking the starters on cars. In countries that could afford such costly measures, success had been achieved. Several speakers noted, however, that such measures were used as a last resort, when social and political strategies failed to prevent crime.

107. Social crime prevention, which emphasized reducing criminal factors and motivation through social development, was more far-reaching, required permanent partnerships and was thus more difficult to achieve. Such prevention focused on the following: (a) child development (looking at risk factors in early childhood associated with later delinquency and crime); (b) community development (involving efforts to strengthen the economic viability and social cohesiveness of local communities and to teach young people about the importance of the rule of law); and (c) social development (focusing on cases where crime developed in situations characterized by poverty, poor education and lack of paid employment, discrimination and other forms of deprivation).

108. It was noted that, in developed countries, as well as developing countries, certain segments of the population often suffered from social and economic exclusion. In such countries, it was important to place emphasis on eradicating poverty, illiteracy and other problems affecting young people (including street children) within the framework of crime prevention programmes. Such measures, all examples of forms of social development, were considered particularly helpful in reducing crime. There was a clear link between social development and crime: though social development was correlated with low crime rates, low crime rates also fostered social development.

109. There was a consensus among the participants that almost all countries were faced with problems involving both domestic and urban criminality, as well as new forms of transnational organized crime. Despite the difference in those forms of criminality, there was agreement that they should not necessarily be dealt with as separate issues, given the fact that urban criminality often provided the manpower for organized crime. Furthermore, transnational organized crime could only be prevented (or kept under control) through cooperative working relationships involving Governments, civil society and citizens, at the local, national and international levels.

110. It was noted that countries were constantly being confronted with new forms of crime and transnational organized crime. Experts on crime prevention should make themselves aware of weaknesses in new technology and should be able to close the technological loopholes before they were exploited by criminals.

111. Representatives of several Governments mentioned the need for a coordinated crime prevention policy aimed at preventing and controlling transnational organized crime. That policy might take many forms, but should be compatible with criminal procedure and cooperation in legal assistance. Empirical studies had shown that crime prevention or law enforcement measures to deal with traditional, urban crime did not lead to the displacement of crime from one jurisdiction to another as frequently as had been expected. There was insufficient evidence to draw any conclusions concerning the phenomenon of displacement with regard to transnational organized crime, which deserved further exploration.

112. A number of representatives of developing countries requested that Governments of developed countries provide technical support to aid them in their fight against crime. A number of representatives emphasized the fact that there was a clear link between crime and democracy: lasting and solid democracy needed peace to survive; it also provided peace.

Conclusions

113. A number of conclusions were reached on agenda item 5:

(a) Crime prevention should be promoted both as a civic duty and as a political responsibility of government. Crime prevention and security should be compatible with democratic values and processes. Corruption and anti-democratic traits should be eradicated in law enforcement and public administrative bodies if those bodies were to receive the confidence and support of and work together with the community in the promotion of effective crime prevention. Law enforcement and public administrative bodies should also be held accountable for their actions;

(b) Crime prevention should be fully integrated into other social policy;

(c) A clear diagnosis was needed to develop effective crime prevention measures. That diagnosis should

identify and target risk factors and segments of society. All individuals and the groups they represented should be involved in efforts to prevent crime at the local level;

(d) Responses should be multifaceted and involve a wide array of initiatives. They should be executed by means of partnerships among formal criminal justice entities, public administration, civil society and individuals in the community. Policies for security should be democratic; in other words, they should be discussed widely with all actors and the community, at all levels;

(e) Even if there were differences between developing countries and developed countries regarding the best approach to crime prevention or the operational strategies to adopt, there was a need for crime prevention responses that articulated social prevention and law enforcement aims;

(f) Evaluation should be conducted to provide evidence of effectiveness. Such evaluation should, however, be based not only on statistics or costs. Qualitative evaluation that took into account the improvements in quality of life, a sense of security and welfare was more appropriate for social prevention strategies. Given limited resources, only those projects or programmes that had proved successful should be continued. Studies should be conducted to determine whether those projects which were successful at a given time and location could be implemented in other countries and the type of conditions under which they would succeed;

(g) Humanitarian values and ethical concerns should not be overshadowed by a desire to implement effective crime prevention programmes and strategies. Such programmes and strategies should take into account those issues and avoid such actions and/or the invasion of privacy, the erosion of civil liberties and any action that would encourage the social exclusion of marginalized people;

(h) Issues of transnational organized crime could not be addressed properly unless the legal authorities in Member States addressed crime at the local level. Where appropriate, crime prevention and control measures should be strengthened in both those areas;

(i) The sustainability of crime prevention measures was an important goal. Only with continuity could sustainable development and democracy be ensured;

(j) There was a considerable body of knowledge of what really worked. The challenge remained in terms of how to apply the lessons learned in preventing domestic crime to the prevention and control of other types of crime, such as terrorism, war crimes and transnational organized crime.

114. Action was called for in the following areas:

(a) Governments should assume political responsibility for developing an integrated strategy for the prevention of crime, based primarily on social development and law enforcement and mobilizing all political and professional actors and the community together, at different levels and in a democratic way, but without rigidly imposing a preconstituted plan of action;

(b) Governments should ensure that all members of society, including the most marginalized, were protected against crime. Extra measures should be taken to protect those most at risk (e.g., women, children and immigrants without documentation);

(c) Governments, civil society and the community at large should rearticulate traditional human values and ensure that they were instilled in the members of society. Appreciation of and respect for the rule of law were basic ideals upon which to build a safe society;

(d) Governments from developed countries should provide technical assistance to developing countries. Developing countries were struggling to cope with "transfer" criminality imported into their countries by those who had made technological advances in more developed countries;

(e) In order to ensure sustainable security, which was a basic condition for sustainable development, Member States, through the Commission on Crime Prevention and Criminal Justice, should:

(i) Develop active cooperation through the exchange of information, experience and know-how and the provision of technical assistance in the field of prevention of crime and, at the same time, develop legal instruments to combat transnational organized crime;

(ii) Consider measures to ensure a proper balance between enforcement and prevention, while focusing on the protection of human rights;

(iii) Develop standards and norms on elements of responsible crime prevention.

E. Offenders and victims: accountability and fairness in the justice process

115. At its 1st plenary meeting, on 10 April, the Congress allocated agenda item 6, "Offenders and victims: accountability and fairness in the justice process" (topic IV), to Committee I, in accordance with the programme of work proposed by the Secretary-General (E/CN.15/1999/6 and Corr.1, para. 8 and annex) and approved by the General Assembly in its resolution 54/125. For its consideration of the item, Committee I had before it a working paper prepared by the Secretariat (A/CONF.187/8).

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116. At its 7th to 9th meetings, on 14 and 15 April, Committee I held a general discussion of the item under the chairmanship of R. K. Raghavan (India).

117. At the 7th meeting, on 14 April, the Chairman of Committee I made an introductory statement in which he emphasized the importance of victimology. That was followed by a statement by one of the panellists on the major themes for discussion. Two other panellists made general statements on restorative justice. (The experts participating in the panel presentation are listed in annex II to the present report.) Statements were also made by the representatives of Australia, Canada, the Czech Republic, the United Kingdom, Cuba, Mexico and the Republic of Korea.

118. At the 8th and 9th meetings, on 15 April, the discussion focused on the rights of victims and offenders and on restorative justice.

119. At the 8th meeting, two recent publications, *Handbook on Justice for Victims* and *Guide for Policy Makers* were introduced. They had been prepared by a group of experts from more than 40 countries at a series of meetings supported by the Office for Victims of Crime in the United States Department of Justice and by the Ministry of Justice of the Netherlands. The publications had been developed in cooperation with the Office for Drug Control and Crime Prevention of the Secretariat and had been funded by the Office for Victims of Crime of the United States Department of Justice. Statements were made by the representatives of South Africa, Namibia, the United States, New Zealand, Sweden, Finland and Cuba.

120. One of the panellists presented recent research on the effective implementation of victims' rights. Statements were then made by the representatives of the United Kingdom and Turkey.

121. At the 9th meeting, statements were made by the representatives of Italy, Canada, Germany, China, the United Kingdom, Croatia, Poland, France and Austria, followed by a statement by the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment. Statements were also made by the observers for World Society of Victimology, Friends World Committee for Consultation, Prison Fellowship International and Penal Reform International. Four experts also made statements.

General discussion

122. The participants agreed that the concept of restorative justice should be a fundamental element of discussions of accountability and fairness to offenders and victims in the justice process. The philosophy behind restorative justice was to manage the harm done and to restore the offender and victim to their former state as far as possible. It was noted that the aim of reintegrative shaming was first to shame the offender into acknowledging the harm committed against the victim and society and then to reintegrate the offender into the community and society as a whole. Restorative justice presented the criminal justice process with an alternative to the established modes of trial and punishment and sought to include the community and society as a whole in the restorative process.

123. It was noted that, in recent years, restorative justice had attracted the interest of policy makers, practitioners, researchers and individual actors in the criminal justice process. Restorative justice was an ancient practice that had re-emerged in new forms such as mediation, family group conferencing and healing circles. It was used mainly for young offenders and less serious offences. The participants discussed possible applications of restorative justice in cases involving adult offenders and more serious crimes.

124. It was noted that a number of countries, in particular those with common-law jurisdictions, had been at the forefront of some of the most innovative initiatives involving restorative justice, such as family group conferencing. Some other jurisdictions had also adopted restorative alternatives in the form of mediation. Reference was made to various programmes for restorative justice in developed countries. Representatives of several countries noted that restorative justice had long been practised at the community level in many developing countries, notably in

Africa. The representative of South Africa stated that, in his country, restorative justice had recently undergone a renaissance in the form of truth and reconciliation councils.

125. It was stated that restorative justice had received a favourable reception in a number of countries, including Canada, Cuba, France, Germany, Italy, Mexico, New Zealand, Poland, the Republic of Korea, the United Kingdom and the United States. Representatives of a number of Governments compared victim satisfaction in initiatives for restorative justice with traditional forms of criminal justice and discussed the likelihood of there being lower rates of recidivism after restorative justice. Some participants, however, cautioned against considering the potential of restorative justice to be unlimited, given that, in the majority of cases, the crimes were never solved and the offenders were not identifiable. Some participants noted that, as society was also affected by crime, it should be compensated for crimes committed; it was also noted that restorative justice had a tendency to emphasize the harm done by crime to individual victims.

126. Several participants noted that restorative justice was in an embryonic stage and could not yet be viewed as a cure-all for crime and the failings of traditional criminal justice systems. One participant stated that restorative justice failed to address questions of aetiology with respect to the causes of crime. It was suggested that, in a few years, restorative justice might become a passing fad, like certain other criminal justice initiatives.

127. The participants discussed the practical application of restorative justice initiatives in cases involving non-juvenile offenders and more serious crimes. The applicability of restorative justice to sensitive cases was questioned. There was also a discussion on the need to preserve the procedural rights of victims, with reference being made to the dangers of pressuring victims into opting for restorative justice.

128. While some participants expressed the view that community and state interests could not be easily reconciled through restorative justice, most participants were more enthusiastic about the potential for restorative justice being implemented alongside traditional criminal justice processes. Criminal justice personnel should, accordingly, receive adequate training with respect to restorative justice.

129. The discussion also focused on accountability and ensuring fairness to both offenders and victims through due process of law. Representatives of a number of Governments presented their most recent legislation with respect to a wide range of measures, service provisions and compensation schemes. The participants addressed issues related to the protection of the rights and needs of offenders and victims: for example, the need to protect the anonymity of the victim in sensitive cases while preserving the rights of the offender. One participant referred to findings from research on the implementation of recommendation (85) 11 of the Council of Europe, concerning victims of crime, in 22 European jurisdictions. He pointed out that the law in practice was often strikingly different from the law on the books with regard to the implementation of guidelines for victims. In that regard, it was noted that the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,[11] while providing a benchmark for the rights of victims, had yet to become a reality in practice in most States. In that respect, the above-mentioned *Handbook* and *Guide* were seen to be of considerable assistance to practitioners in the implementation of policies concerning victims of crime.

130. A number of participants from developing countries, in referring to various initiatives for victims and offenders, stressed the need for funding, in particular with regard to compensation schemes and the training of criminal justice agents in providing services to victims. The importance of volunteers for community-based schemes aimed at both offenders and victims was also raised. One participant, referring to some of the suggested initiatives for victims and offenders, contained in document A/CONF.187/8, also noted the technical problems encountered in the implementation of those initiatives and, in that regard, reference was made to the detection and punishment of persons involved in organized crime.

131. Many participants observed that the pendulum of criminal justice was swinging increasingly towards consideration of the much neglected victim. Another participant referred to the particular plight of persons serving long-term prison sentences and pointed out that, in some countries, a large proportion of prisoners were foreign in origin. Reference was also made to the need to avoid crime by and victimization of persons serving long-term prison sentences. The use of psychological tools to predict and counteract prison violence was advocated. The particular needs of female prisoners, juvenile offenders and the families of prisoners were also highlighted.

[11] General Assembly resolution 40/34.

132. The subject of prison overcrowding was raised with respect to short-term prison sentences being imposed on offenders for, among other things, non-payment of fines, and to the absence of programmes that would divert offenders from the criminal justice system.

133. Several participants referred to the needs of specific categories of vulnerable victims, for example, female and child victims of sexual assault. In that respect, it was emphasized that stereotypical views of victims should be avoided. That opinion was reiterated with respect to the diverse nature of the so-called "victims' movement".

134. Several participants also referred to the victims of transnational organized crime. The special needs of such victims were mentioned, as was the reinforcement of their rights to protection. In that regard, international cooperation was considered to be an essential element in ensuring that they were protected and not subject to further victimization.

Conclusions

135. A number of conclusions were reached during the discussion, in particular with regard to accountability and ensuring fairness to both offenders and victims in the criminal justice process:

(a) It was agreed that interest in victims had grown. That growth had been, in part, due to the growth of interest in restorative justice, which in turn had received a substantial impetus from the penal crisis of recent years;

(b) Although not all participants regarded restorative justice as a paradigm shift for criminal justice, there was consensus with regard to its desirability;

(c) It was noted that there was a presumption that restorative justice delivered rights to victims. Some participants referred to restorative initiatives as forms of empowerment; however, the view was also expressed that there were circumstances in which caution was necessary. In that connection, it was considered that quality control and evaluation of restorative initiatives were desirable;

(d) With regard to the rights of offenders, no firm conclusions were drawn as to whether it was advisable to give the victim a final say in decisions on prosecution, early release and parole, or whether it was preferable to allow the victim to provide information to the criminal justice authorities that could be taken into account when taking such decisions. It was noted that any mention of rights inevitably stressed the need for a balance between the rights of the victim and the offender.

136. No conclusions could be drawn on the following: what would happen if rights were not observed; what recourse the offender or victim had; how victims and offenders learned about their rights and what they knew; and the rights that victims and offenders actively sought. It was suggested that further consideration should be given to those issues.

137. Some participants expressed the view that there was a need for further consideration to be given to the question of transnational victimization. Such a discussion could touch upon, for example, the problems raised by difficulties with language, cultural discrepancies and unfamiliarity with foreign legal procedures.

138. Some participants suggested that the Commission on Crime Prevention and Criminal Justice should be invited to formulate basic principles and standards to guide States in the fair and effective use of mediation and other processes of restorative justice.

F. Report of the Credentials Committee

139. At its 1st plenary meeting, on 10 April, the Congress, in accordance with rule 4 of its rules of procedure, appointed a Credentials Committee composed of the following States: Austria, Bolivia, China, Philippines, Russian Federation, South Africa, Togo, Trinidad and Tobago[7] and United States.

140. The Credentials Committee held one meeting, on 13 April.

141. Victor G. Garcia III (Philippines) was unanimously elected Chairman of the Committee.

142. The Committee had before it a memorandum by the Secretary-General, dated 13 April 2000, on the status of credentials of representatives of States attending the Congress. On the basis of information made available to it, the Committee noted that, as at 13 April, credentials issued by the Head of State or Government or by the Minister for Foreign Affairs, as provided for in rule 3 of the rules of procedure, had been submitted by the following 117 States: Afghanistan, Albania, Algeria, Argentina, Armenia, Australia, Azerbaijan, Barbados, Belarus, Belgium, Benin, Bolivia, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chile, China,

Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Egypt, Estonia, Ethiopia, Finland, Gambia, Georgia, Germany, Guatemala, Guinea, Haiti, Holy See, Hungary, Indonesia, India, Iran (Islamic Republic of), Ireland, Israel, Japan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United States, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe.

143. Information concerning the appointment of their representatives to the Congress had been communicated to the Secretary-General by means of a facsimile communication from the Head of State or Government or the Minister for Foreign Affairs, or by means of a letter or note verbale from the Permanent Mission concerned, by the following 21 States: Angola, Austria, Bahrain, Botswana, Brazil, Chad, Comoros, Democratic Republic of the Congo, Ecuador, France, Ghana, Greece, Honduras, Iraq, Italy, Jordan, Kyrgyzstan, Myanmar, Nicaragua, Sri Lanka and Tajikistan.

144. The Chairman proposed that the Committee adopt the following draft resolution:

"*The Credentials Committee*,

"*Having examined* the credentials of the representatives to the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, referred to in paragraphs 4 and 5 of the present report,[5]

"1. *Accepts* the credentials of the representatives of the States referred to in paragraphs 4 and 5 above;

"2. *Accepts* as provisional credentials the other communications received and reported to the Committee, on the understanding that credentials in due form, as required under rule 3 of the rules of procedure, would be promptly submitted to the Executive Secretary of the Congress by the authorities concerned;

"3. *Recommends* to the Congress that it approve the report of the Credentials Committee."

145. The draft resolution proposed by the Chairman was adopted by the Committee without a vote.

146. Subsequently, the Chairman proposed that the Committee recommend to the Congress the adoption of a draft resolution. The proposal was approved by the Committee without a vote. For the text approved, see chapter I, resolution 2.

Action taken by the Congress

147. At its 9th plenary meeting, on 17 April, the Congress adopted the draft resolution entitled "Credentials of representatives to the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders recommended by the Credentials Committee in paragraph 10 of its report (A/CONF.187/14 and Corr.1) (see chap. I, resolution 2).

Chapter VI
Report of the workshops

148. In its resolution 53/110, the General Assembly endorsed the programme of work for the Congress, including the holding of the four technical workshops on the following subjects:

(a) Combating corruption;

(b) Crimes related to the computer network;

(c) Community involvement in crime prevention;

(d) Women in the criminal justice system.

149. At its eighth session, the Commission on Crime Prevention and Criminal Justice, as preparatory body for the Congress, recommended that the four workshops be allocated to Committee II. In its resolution 54/125, the General Assembly encouraged States, other entities concerned and the Secretary-General to work together to ensure that the four workshops focused clearly on the respective issues and achieved practical results, and invited interested Governments to follow up with concrete technical cooperation projects or activities.

150. At its 1st plenary meeting, on 10 April, the Congress elected by acclamation Željko Horvatić (Croatia) as Chairman of Committee II. At its 1st meeting, on 10 April, Committee II elected by acclamation Mariano Ciafardini (Argentina) as Rapporteur. At its 3rd meeting, on 11 April, the Committee elected by acclamation Wouter Meurs (Netherlands) as Vice-Chairman.

151. Also at its 1st meeting, the Committee decided that the first part of each session would be devoted to presentations by speakers, as arranged by the respective organizers, and that the last hour of each meeting would be devoted to statements by representatives of participating States and discussions between participants and panellists.

A. Combating corruption

152. The workshop on combating corruption, organized by the United Nations Interregional Crime and Justice Research Institute in cooperation with the International Scientific and Professional Advisory Council, was held on 10 and 11 April. The workshop had before it a background paper prepared by the Institute (A/CONF.187/9) and an informal document on the proceedings of the International Conference on the theme "Responding to challenges of corruption", held in Milan, Italy, on 19 and 20 November 1999. The workshop was addressed at its opening session by the Secretary-General of the Congress and Executive Director of the Office for Drug Control and Crime Prevention. The representatives of 24 Governments made statements and 21 presentations were made by representatives of specialized governmental agencies, international organizations, non-governmental organizations, academia and the private sector. (The experts participating in the panel presentations are listed in annex II to the present report.)

153. The workshop adopted the multidisciplinary approach advocated in the global programme against corruption, launched jointly by the Centre for International Crime Prevention and the United Nations Interregional Crime and Justice Research Institute, and considered definitions and causes of corruption, monitoring and assessment, the organized crime nexus, measures to combat corruption at the international and national levels, crime prevention and best practices. The workshop made recommendations concerning measures to be taken with regard to law enforcement, legislation, the private sector and civil society, as well as measures to be taken at the international level, including the promotion of debate on the possible development of a United Nations instrument against corruption. The activities at present being undertaken within the framework of the global programme against corruption were described by representatives of the Centre and the Institute.

154. There was general agreement on the importance of transparency, the independence and integrity of investigative and subsequent criminal justice processes and strengthening the role of civil society (including the media and the private sector). Participants in the workshop were greatly encouraged by the increased public awareness of the issue of corruption, but noted that, in many countries, a great deal remained to be done, not only within the legal framework but also in the implementation of policies, in particular those concerning enforcement—for example, in raising awareness of the risk and cost of corruption to the offenders. There was agreement that general strategies to combat corruption must be adapted to the situation in particular countries.

155. The discussion highlighted the need for justice to be applied to past activities, including financial recovery of the proceeds of corruption, proper investigation, prosecution and the application of effective criminal and/or non-criminal sanctions.

156. At the same time it was considered necessary to provide appropriate prevention measures for the future, including the strengthening of civil society, decreasing the opportunities for corruption of high-level and low-level officials, improving their status and providing social rewards for those who were not corrupt in the performance of their duties. Finally, there was need to develop a mechanism that would permit systematic feedback from anti-corruption investigations into prevention measures and best practices.

157. A possible methodology for curbing corruption was suggested. The first step should be to increase the perceived risk, costs, insecurity and degree of difficulty in engaging in acts of corruption, through, *inter alia*, targeted risk-based prevention efforts, with stricter regulation of contract-bidding and vetting procedures. As a second step, the perceived risks of corruption to the offenders should be increased through efficient and independent investigations and criminal justice processes, an approach that supplemented awareness-raising, proactive integrity testing and independent mechanisms for dealing with complaints.

158. The rewards anticipated from corruption by the offenders should be reduced by expeditious law enforcement and asset recovery.

159. Finally, any social tolerance for corruption should be reduced by the deeper involvement of independent media and civil society in anti-corruption campaigns, by rewarding those who were not corrupt and by systematically stigmatizing corrupt behaviour.

160. The participants at the workshop stressed the potential value of drafting an international convention against corruption. It was agreed that such an instrument could be successfully implemented only if Governments were ready to provide both political support and the necessary financial resources.

B. Crimes related to the computer network

161. The workshop on crimes related to computer networks, organized by the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, was held on 15 April. The workshop had before it a background paper on the subject (A/CONF.187/10).

162. An introductory statement was made by the Director of the Institute.

163. In a keynote address, the Minister of Justice and Attorney-General of Canada noted the growing seriousness of domestic and transnational computer crime and the importance of developing effective laws and procedures for controlling it without unduly interfering in the legitimate and beneficial effects of the new technologies.

164. The workshop held a series of panel discussions. The first panel reviewed the criminology of computer crime. The second panel discussion comprised a case-study scenario of the technical and legal issues that arise from a legal search for and seizure of data from computer networks. The third panel discussion consisted of a case-study scenario of the tracing of computer communications in multinational networks. The fourth and final panel discussion dealt with the relationship between law enforcement and computer and Internet industries. During the discussions, statements were made by the representatives of 9 Governments and by 17 experts. (The list of experts is contained in annex II to the present report.)

General discussion

165. It was pointed out that the development of new technologies had created new opportunities for criminal offenders. The term "computer-related crime" had been developed to encompass both the entirely new forms of crime that were directed at computers, networks and their users and the more traditional forms of crime that were now being committed with the use or assistance of computer equipment. A review was undertaken of the legal response to the new crimes. In that regard, it was stressed that, given the ease with which those crimes could be committed across national borders, it was important to develop adequate criminal laws in every country.

166. It was noted that the new environment created by computer networks challenged many of the conventional assumptions of legal systems. The need to modernize laws in order to keep pace with technology was discussed. It was pointed out that legal concepts, such as property, theft and possession, were all commonly applied in the criminal laws of countries, but did not necessarily apply to computer data, which were by nature intangible. The ease with which data could be modified had also created new legal problems associated with their collection, preservation and use as evidence in legal proceedings.

167. It was noted that the powers and techniques needed for effective investigations of computer networks also raised significant concerns regarding human rights and privacy, both because of their intrusive nature and the vast amounts of personal and other information stored and transmitted on such networks. It was agreed that one of the fundamental issues confronting Governments at present and in the future was the need to find the proper balance between the individual citizen's right to privacy and the interests of law enforcement. It was noted that privacy issues might arise in a number of situations. It was also noted that the laws of some countries made a distinction between searching for and intercepting data in transmission and searching for stored data, while in other jurisdictions that distinction might be unclear. It was pointed out that, where data were considered to be communications in transmission and therefore subject to interception rather than seizure, there might be a need for more stringent requirements for obtaining the necessary authorizations and for safeguards governing the conduct of the search. In that regard, it was considered that evidence sought by law

enforcement agencies might be commingled with other materials, such as the business or medical records of the subject or those of a third party.

168. It was noted that many issues arose when law enforcement authorities sought to gain information from Internet service providers. Those issues included the practical question of finding a person at such a provider who could be contacted when required and the legal question of whether a provider might disclose information voluntarily or not. It was pointed out that the privacy or data protection laws of some countries prohibited providers from disclosing some or all information concerning the communications of their customers without a court order and that laws might also be unclear as to whether a provider should retain content or transaction records so that they could be recovered if subsequently needed for an investigation.

169. A number of participants observed that, when evidence sought by law enforcement was in the computer systems of a legitimate business, the search might cause harm to the business if it interfered with computer operations. It was agreed that, in such cases, the challenge was to execute the search effectively but without disrupting normal business operations.

170. It was considered that the transnational dimension of much computer crime might give rise to even greater complications, not the least of which involved jurisdiction. The questions of which country's laws applied, the investigative power to obtain evidence and trace or identify offenders, the power to extradite offenders and subsequently try them before a court all depended to some degree on where the offence had been committed; the determination of place would be unclear if the crime were committed in more than one location by the use of computer network technologies. An example was cited of a web site in one country that contained fraudulent speculation about a company whose shares were traded on the stock exchange of another country. The offence might therefore have occurred in one country, the other country, both countries or neither of them, depending upon the laws of the countries concerned.

171. It was observed that search and seizure measures also became complicated when the searchers were located in one jurisdiction and the evidence was found in another. A network search, for example, could lead to evidence that was stored in a different country, which raised the questions of whether the permission of authorities in the second country was needed to obtain the evidence or whether the authorities in the second country should be notified that such a search was in progress. It was noted that, where it was necessary to request assistance through formal mutual legal channels, the time needed to obtain such assistance could be substantial. The question of how that process could be expedited might be crucial in dealing with cases in which a computer-related offence was in progress or where evidence could be destroyed during the time needed to obtain legal assistance through existing channels.

172. It was noted that another issue posed by the transnational nature of computer-related crime and the ease with which electronic evidence could be altered was the problem of determining the authenticity of evidence obtained in a cross-border search. That determination might require the establishment of procedures or protocols for use in computer searches in order to ensure the authenticity of data retrieved, as well as transparent and secure procedures that would make it possible to establish authenticity. It was observed that, in some countries, there might be formal requirements that impeded the use of electronic data as evidence.

173. There was general agreement that States should seek harmonization, where appropriate, of the relevant provisions on criminalization, evidence and procedure.

Conclusions

174. The workshop reached the following conclusions:

(a) Computer-related crime should be criminalized;

(b) Adequate procedural laws were needed for the investigation and prosecution of cyber-criminals;

(c) Government and industry should work together towards the common goal of preventing and combating computer crime so as to make the Internet a secure place;

(d) Improved international cooperation was needed in order to trace criminals on the Internet;

(e) The United Nations should take further action with regard to the provision of technical cooperation and assistance concerning crime related to computer networks.

C. Community involvement in crime prevention

General discussion

175. The workshop on community involvement in crime prevention, organized by the International Centre for the Prevention of Crime, was held on 12 and 13 April. The workshop had before it a background paper on community involvement in crime prevention (A/CONF.187/11). Twenty-nine experts addressed the workshop, followed by the representatives of 13 States, the observers for 2 non-governmental organizations and 2 individual experts. (The list of experts is contained in annex II to the present report.)

176. The workshop focused on two issues: (a) identification of models of best practice in community involvement in crime prevention; and (b) how States and communities could share their experiences in successful crime prevention. It was acknowledged that crime was costly both for the victims and the communities concerned and that it affected the quality of people's lives. Every year, millions of people around the world were victims of such crimes as homicide, violence against women, burglary and car theft. It was noted that the costs of crime represented 5 per cent of gross domestic product (GDP) in some developed countries and as much as 14 per cent of GDP in certain developing countries. To reduce the level of crime and increase the public's sense of security, a well-balanced approach between the traditional responses to crime and preventive measures that involved the community was required. Indeed, the fight against transnational organized crime could not be won if it failed to address the safety and security needs of local communities.

177. It was agreed that knowledge about the causes and risk factors associated with crime and victimization was now well developed. Many countries had established effective crime prevention programmes and policies and promising results had been obtained in a number of projects that had been thoroughly evaluated. Many contemporary trends, however, gave rise to concern, such as the widening gap between rich and poor, the exclusion of youth, the gender gap, urban expansion and the availability of firearms. Street violence and gratuitous, senseless and random violence were growing concerns that posed significant threats to society. The involvement of youth in criminal activity, both as perpetrators and as victims, was also a concern in many communities. In countries in which crime had increased significantly in recent years, the level of urban insecurity had also grown. Even where crime had diminished, insecurity and fear of crime had tended to increase, especially in urban areas. One challenge to societies was to develop sustainable responses to crime.

178. It was stated that, in devising measures of community safety, it was necessary to go beyond assessing crime figures. Responsiveness to the demands and expectations of the population by means of consultative mechanisms, victimization surveys, crime audits and action plans were also keys to mobilizing local communities. Policy development should be based on solid research and strategies must be based on the analysis of social and urban development indicators, such as levels of unemployment, exclusion of youth, proportion of immigrants or type of housing.

179. It was emphasized that Governments and communities should work together to respond effectively to such challenges. Integrated policies that involved crime control, crime prevention and social solidarity measures were required. Inter-ministerial cooperation at the national level and the horizontal integration of partners at the local level were also encouraged. Action at the local level was viewed as the engine of prevention, since it involved the affected populations and was most attuned to local issues. In that regard, various tools had proved to be effective, including the establishment of community councils and safety and security contracts between central and local government. A number of speakers stated that integrated and knowledge-based approaches should involve situational, social development and community reorganization measures that targeted risk factors. Several speakers stressed that the establishment of true partnerships between key agencies and the community was a long-term process, requiring the sharing of information and power. Key lessons learned included the need for political leadership and commitment, ensuring the involvement of local officials, the need to integrate local and national strategies and the importance of taking local concerns into account and providing proper training for practitioners.

180. It was agreed that the implementation of a comprehensive prevention strategy required new ways of thinking and organization. It was imperative that all governmental, public and private organizations concerned with human, social and economic development recognize community safety as a fundamental right and that they integrate crime prevention into their mandates and activities. Relying on community action should not be an excuse or a mask for

providing poor public services. Adequate levels of funding and support were essential elements of success.

181. Information was provided on technical cooperation projects in which Governments, intergovernmental organizations and non-governmental organizations were involved. The activities described were aimed at both national and local government and ranged from the development of crime prevention manuals to the raising of public awareness. Assistance could also be made available for the formulation of strategy documents, the design and implementation of victim surveys and the collection of data for crime statistics.

Conclusions

182. A number of core issues concerning the involvement of the community in crime prevention were identified. It was emphasized that there were no simple or short-term solutions to the nexus of crime, victimization and insecurity, which were complex realities with multiple causes. There were, however, numerous promising crime prevention strategies and programmes that had proved effective. Integrated, comprehensive and sustainable responses could be formulated on the basis of examples of good practice, such as those shared by the participants in the workshop. Identifying key elements of successful prevention models would help to ensure their transferability and sustainability. It was agreed that such models would need to be adapted to the specific needs of interested countries and communities, bearing in mind their respective social conditions and cultural norms. There was also a need to develop more knowledge-based approaches by monitoring and evaluating ongoing initiatives and their cost-effectiveness, and replication studies.

183. Participants in the workshop on community involvement in crime prevention called for action in the following areas:

(a) Local communities should be recognized as the focal points for the effective delivery of crime prevention initiatives. Member States should be encouraged to implement programmes for building the capacity of communities to respond effectively to local concerns;

(b) Governments and relevant international funding organizations should be invited to provide increased financial and technical assistance to countries and communities in support of their crime prevention efforts;

(c) Anti-crime strategies in which a crime prevention policy was an integral part offered more sustainable responses to crime and insecurity problems. Governments should be called upon to intensify their efforts to identify the successful elements of effective community mobilization and the benefits of crime prevention programmes and initiatives. Governments should cooperate in the development of a common set of indicators of community safety that could serve as benchmarks in that regard;

(d) More systematic efforts should be made to implement successful prevention actions and strategies. International support networks for crime prevention should be assigned the task of furthering the development of knowledge-based strategies, identifying elements of their transferability and making such knowledge available to communities throughout the world;

(e) The Expert Group Meeting on Community Involvement in Crime Prevention, held in Buenos Aires from 8 to 10 February 1999, had identified some key elements of successful and responsible strategies to prevent and reduce crime and enhance community safety, while fully respecting human rights and the rule of law. Those recommendations should be given appropriate consideration by the Commission on Crime Prevention and Criminal Justice, Member States and all relevant entities;

(f) Member States, intergovernmental organizations and non-governmental organizations and the institutes of the United Nations Crime Prevention and Criminal Justice Programme network should be invited to consider the present recommendations in their activities and plans of action.

D. Women in the criminal justice system

184. The workshop on women in the criminal justice system, organized by the European Institute for Crime Prevention and Control, affiliated with the United Nations, was held on 13 and 14 April. It consisted of four modules: women as offenders and prisoners; women as victims and survivors; women in the criminal justice system; and research and policy issues. Presentations were made by 23 representatives of specialized government agencies, international organizations, non-governmental organizations, academia and the private sector. (The experts making presentations are listed in annex II to the present report.)

General discussion

185. During the workshop, a broad range of views were presented by practitioners, policy makers, advocates of victims' and women's rights and researchers. The programme of the workshop included several video presentations on the problems confronted by women in the criminal justice system. The Minister of Justice and Attorney-General of Canada and the Minister of Justice and Customs of Australia made presentations. Three major themes emerged during the workshop: the importance of international research and analysis; the importance of simultaneous international action; and the importance of international declarations and standards.

186. From the presentations and the ensuing discussion, it became clear that the issue of women in crime and the criminal justice system was growing in importance. That development posed problems related to both criminal justice and human rights. The greater presence of women in crime could be attributed to numerous factors, such as punitive drug laws that had a disproportionate impact upon women, high rates of physical and sexual abuse and increased victimization stemming from trafficking in persons. The increased presence of women in the criminal justice system, especially in prisons, created enormous problems, as incarceration perpetuated violence against women. There was a need to use programming and management approaches for women that were different from those used for men and to ensure that treatment for women took into account gender mainstreaming.

187. It was stated that research on women in the criminal justice system had focused on a number of important areas relating to the gender gap. While that research had made enormous contributions, such as demonstrating that surveys of crime victims could be conducted successfully in developing countries, as well as in developed countries, there were many areas that required further research. There was a great need for research linking policy and practice. In particular, there was a need for documenting successful programmes for women. There was also a need for more research aimed at the following: providing accurate data on trafficking in persons, in particular, on women's involvement as offenders in such trafficking; and examining the causes and contexts of such trafficking as they related to policy development. Other important research topics included the changing profile of female criminality; women inmates with young children; and the special difficulties faced by women as foreign nationals in prison.

Conclusions

188. There was consensus among the participants in the workshop on the need for action in the following areas:

(a) Women and girls who are victimized should be afforded the fundamental rights of protection, justice, support in breaking the cycle of victimization and reintegration into the community;

(b) Efforts should be made to raise the awareness of the public and officials concerning the dehumanizing and exploitative nature of women's victimization;

(c) The international community should reject attempts to justify the victimization of women on cultural grounds;

(d) In offences involving women, the criminal justice systems of Member States should focus on the abuser and the exploiter, as well as on the abused victim, including by recognizing the role of facilitators in trafficking in women and girls;

(e) Civil remedies should be made available to victimized women and girls in order to permit them to pursue claims against those who committed the crimes against them;

(f) There should be a collective response in addressing women's victimization. That response should include indigenous solutions that utilized existing structures and available services;

(g) Concerted efforts should be made at the global level to correct the economic conditions that facilitated the economic and sexual exploitation of women and girls;

(h) Harmonized and coordinated strategies should be pursued, including joint action programmes and research efforts, strengthened communications and collaborative networks involving governmental agencies and non-governmental organizations.

Chapter VII
Adoption of the report of the Congress and closure of the Congress

189. At its 9th plenary meeting, on 17 April, the Congress considered its draft report, prepared by the Rapporteur-General pursuant to rule 52 of the rules of procedure, which, as indicated in the annotations to the agenda (A/CONF.187/1), included the Declaration on Crime Prevention and Criminal Justice: Meeting the Challenges of the Twenty-First Century, a brief account of the events leading to the Tenth Congress, the proceedings on the various substantive items of the agenda and a report of the workshops and proposed conclusions and recommendations. The report also included a summary of the substantive work concluded by the plenary and by Committees I and II and an account of the action taken. The President of the Congress, the Rapporteur-General, the Chairman of Committee I and the Chairman of Committee II addressed the Congress.

190. A number of representatives expressed the wish that a summary of the proceedings of the high-level segment be included in the report of the Tenth Congress. The Rapporteur-General of the Tenth Congress indicated that the report on the high-level segment had been prepared in line with the practice of the United Nations for major international conferences, such as the United Nations Conference on Environment and Development, held in Rio de Janeiro, Brazil, from 3 to 14 June 1992, and the World Summit for Social Development, held in Copenhagen from 6 to 12 March 1995. The President of the Congress called on the Rapporteur-General to take into consideration the wish of the representatives in finalizing his report. A summary of the general discussion at the high-level segment, prepared by the Rapporteur-General, is contained in annex I.

191. At its 9th plenary meeting, the Congress approved its report as contained in documents A/CONF.187/L.2 and Corr.1 and Add.1-Add.3 (deliberations of the plenary); A/CONF.187/L.3, A/CONF.187/L.7 and A/CONF.187/L.9 (outcome of the deliberations of Committee I) and A/CONF.187/L.4, A/CONF.187/L.5, A/CONF.187/L.6 and A/CONF.187/L.10 (outcome of the deliberations of Committee II). The report also included the Declaration on Crime and Justice: Meeting the Challenges of the Twenty-First Century (A/CONF.187/4/Rev.3).

192. Closing statements were made by the Executive Director of the Office of Drug Control and Crime Prevention, the representatives of Ethiopia, on behalf of the Group of African States, Guatemala, on behalf of the Group of Latin American and Caribbean States, Portugal, on behalf of the States members of the European Union that are Members of the United Nations, the Russian Federation, on behalf of the Group of Eastern European States, Austria, on behalf of the Group of Western European and Other States, and the President of the Tenth Congress.

Annex I

Summary of the general discussion at the high-level segment of the Tenth Congress on the Prevention of Crime and the Treatment of Offenders*

1. The speakers at the high-level segment emphasized the importance of dealing with the root causes of crime. Several speakers made reference to such root causes as inequality, poverty, unemployment and poor health conditions. In addition, it was noted that rapid social change could lead to a sense of lawlessness and in turn to the commission of crime. Although such developments as globalization and modern technology had clear benefits, it was noted that offenders were often more capable than the criminal justice authorities of adapting to the opportunities offered by those new dimensions. Moreover, the new developments opened up the potential for vast profits, which clearly attracted more offenders. The problems were identified as being particularly acute in developing countries and countries with economies in transition, where the growth in crime was said to be becoming part of everyday life.

2. It was observed that apart from the direct harm and fear caused, crime had a number of consequences to the victim, the community, the nation and the international community. In particular, several speakers noted that crime could increase poverty and stunt the rate of development. Corruption and terrorism were cited as examples of crimes that could undermine the stability of entire societies. Specific references were also made to the debilitating effect of, for example, violent crime, racial intolerance and xenophobia, environmental crime, computer crime and economic crime.

3. Drug trafficking was identified as one of the main sources of illicit profits, which were also used in part to support terrorism. Furthermore, drug trafficking was linked to other offences as well, such as robbery, theft and murder. Speakers noted that drug trafficking had developed from a local and national problem to one of truly global dimensions. Drug trafficking had become global in at least two senses. Drugs were no longer produced in only a few regions and consumed in others, but were being both produced and consumed in countries around the world. Moreover, patterns of drug trafficking had diversified, threatening development and stability also in what had formerly been countries of transit.

4. Trafficking in human beings, which was characterized as a modern and very widespread form of slavery, was described as an offence of particular concern in many States. Speakers noted with special concern the widespread sexual exploitation of children, the connection of trafficking in human beings with pornography and prostitution and the growth of sexual tourism.

5. Trafficking in migrants was also pinpointed as an issue of concern by States and it was noted that migrants were often victimized not only by the traffickers while en route, but also in the country of destination. In connection with both trafficking in human beings and trafficking in migrants, strong support was voiced for the ongoing work on the relevant protocols to the draft United Nations convention against transnational organized crime.

6. Strong support was also voiced for the ongoing work on the protocol dealing with illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. It was noted that firearms produced domestically and locally were very common in many States and were a clear threat to peace and stability. Not only were illicit firearms being used in connection with a variety of offences, but the profits from their trafficking were also said to be used to finance other offences, such as terrorism.

7. The links between these and other crimes on the one hand and terrorism, corruption and money-laundering on the other were noted by several speakers.

8. Speakers clearly condemned terrorism. Although the difficulties in establishing an international definition of terrorism were noted, speakers emphasized that terrorism was a grave danger to national and regional stability and peace and hampered development and reform. Illustrations were provided of how terrorism was able to use the latest developments in technology to increase its pernicious impact. Some speakers stated that, for their States, terrorism embodied the main threat to national security. Its international connections were referred to, as were its

* Prepared under the authority of Matti Joutsen (Finland), Rapporteur-General of the Tenth Congress.

connections with a variety of offences, such as trafficking in firearms and drugs, a linkage that had already been noted in the framework of the United Nations. Various initiatives for conferences and centres dealing with terrorism were noted in that connection.

9. Clear support was expressed for the need for an independent international instrument on corruption. As with many other crimes, corruption was seen to be no longer a matter of only local or national concern, but of truly international concern. A number of initiatives for conferences on corruption were noted in that connection.

10. Money-laundering was described as the heart of organized crime and as such a matter of major concern. Speakers stated that rigorous measures were needed to deprive transnational organized criminal groups of the main reason for their activity, the accumulation of illegal profits. Calls were made for the development of internationally accepted standards for the prevention and control of money-laundering. Satisfaction was expressed with the recent Offshore Forum organized by the United Nations, at which considerable progress had been made in ensuring the cooperation of offshore financial centres in that regard.

11. The speakers noted that a multi-pronged strategy was needed to respond to the many developments in crime. There was general agreement that one aspect of the proper response was the strengthening of the criminal justice system, with full respect for the rule of law and internationally recognized human rights. Practitioners should receive the appropriate training, including specialist training, to allow them to deal with specific types of offences or offenders. The necessary institutional arrangements should be made. Particular reference was made in that regard to the importance of the independence of the judiciary and to the development of correctional services. Several speakers described the measures that had been taken in their countries to improve the performance of the criminal justice system in general.

12. It was pointed out that the strengthening of the criminal justice system, however, was not enough. Speakers agreed that a key part of the multi-pronged approach should be prevention at the local, national and international levels. Several speakers emphasized that prevention was more effective than repression. Multi-strategic local and national crime prevention programmes were advocated, bringing together, for example, situational prevention, community policing and early intervention. It was suggested that particular attention should be paid to developing effective campaigns targeted at vulnerable groups such as women, children and immigrants, both as potential victims and as potential offenders. Several speakers gave examples of local and national crime prevention initiatives in their countries. References were made to initiatives for conferences dealing with the issue.

13. What could be seen as a third element of the response to developments in crime was the improvement of the treatment of offenders. Speakers noted that sanctions should be designed not only to deter and ensure the safety of the community, but also to reduce recidivism. The importance of the humane treatment of offenders was emphasized and some speakers noted that this should be a high priority for the work of the United Nations. Special reference was made to the potential for wider application of the principles of restorative justice.

14. In noting the need to improve the response of the criminal justice system, there was unanimous agreement that that could not and should not be limited to the response of individual States. Many speakers stated that, in particular in the face of transnational organized crime, there was a clear need for shared responsibility and collective action with respect for the fundamental principles of public international law, such as the principles of territoriality and sovereignty.

15. That shared responsibility and collective action was seen to have several facets. Firstly, each State should seek to ensure that it was able to play its full role in international cooperation. That required a review of legislation and practice and ensuring that cooperation was effective also within the State, for example, among domestic law enforcement agencies. Secondly, each State should seek to ensure that it had in place the capacity to provide assistance to other States on request. Thirdly, States should explore the potential offered by various international instruments and structures for international cooperation.

16. A fourth facet of shared responsibility and collective action that was mentioned by a large number of speakers was the provision of technical assistance. Appreciation was expressed in that connection to those States and entities which had provided assistance. Nonetheless, the speakers emphasized that States could not be expected to deal by themselves with the various ramifications of crime and criminal justice and that continuous assistance was required. Some speakers strongly advocated the establishment of an international fund to promote technical

assistance. It was noted that the priorities for technical assistance should be identified and individual projects should where possible be designed to achieve measurable progress.

17. There was consensus on the potential value of the draft United Nations convention on transnational organized crime and the related protocols. Many speakers emphasized the importance of rapid adoption of the convention and the protocols. Reference was also made by many speakers to ensuring that the provisions be carefully formulated in order to have universal applicability and acceptance and that they be clear, workable and effective. A number of specific suggestions for the drafting of the convention and the protocols were made. Also in that respect, some speakers emphasized once again the importance of respect for the fundamental principles of public international law, such as the principles of territoriality and sovereignty.

18. The Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century (see chap. I, resolution 1), which was adopted at the end of the high-level segment, was referred to by many speakers, who noted that it constituted a significant step forward in international cooperation in the prevention and control of crime and in the development of criminal justice. It was seen as affirming the will of the international community to take firm and resolute action against offenders anywhere in the world, ensuring that they could not find a safe haven and would be brought to justice.

19. Many speakers expressed their appreciation for the work of the United Nations, including not only the Centre for International Crime Prevention but also the other elements of the United Nations Crime Prevention and Criminal Justice Programme network.

20. Finally, several speakers referred to the United Nations congresses themselves. The congresses were valuable occasions for the exchange of information and views on developments and experience. Special reference was made, for example, to the contribution of the practically oriented workshops as part of the official programme of the congresses. The representative of Mexico announced that his Government had extended an invitation to host the next congress, with the recommendation that the theme and methods of the congresses be reviewed in order to achieve even better results. That invitation was endorsed by the representative of Guatemala, speaking on behalf of the Group of Latin American and Caribbean States. It was recalled that earlier at the Tenth Congress the representative of Thailand had similarly extended his Government's invitation to host the next Congress and that invitation was also welcomed.

Annex II

List of experts participating in the panel presentations and discussions

A. International cooperation in combating transnational organized crime: new challenges in the twenty-first century

Penuell Mpapa Maduna, Minister of Justice and Constitutional Development of South Africa and President of the Congress

Eissa Abdel Hamid Ayoub, Head, Judicial Police, Jordan

Adam Edwards, Senior Lecturer, Nottingham Trent University, United Kingdom of Great Britain and Northern Ireland

François Falletti, Prosecutor-General, Lyon, France

Jean-Paul Laborde, Officer-in-Charge, Legal and Convention Affairs Branch, Centre for International Crime Prevention

Eduardo Iborrola Nicolin, Deputy Attorney-General, Mexico

Mark Pieth, Professor, University of Basel, Switzerland

Vincenzo Ruggiero, Professor, University of Middlesex, United Kingdom of Great Britain and Northern Ireland

David Simmons, Attorney-General, Barbados

B. Promoting the rule of law and strengthening the criminal justice system

Nihal Jayawickrama, Executive Director, Transparency International

Bulelani Ngcuka, National Director of Public Prosecutions, South Africa

Xavier Raufer, Professor, Institute of Criminology, Paris

C. Effective crime prevention: keeping pace with new developments

Ronald Clarke, Professor, School of Criminal Justice, Rutgers University, United States of America

Guo Jain'an, Deputy Director, Institute for Crime Prevention, Ministry of Justice, China

Marie-Pierre de Liège, Judge, Secretary-General of the National Council for Cities, France

D. Offenders and victims: accountability and fairness in the justice process

John Braithwaite, Professor of Law, Australian National University, Canberra

Marc Groenhuijsen, Professor of Criminal Law and Criminal Procedure, Tilburg University, Netherlands

Paul Rock, Professor of Sociology, London School of Economics, University of London, United Kingdom of Great Britain and Northern Ireland

E. Combating corruption

Anna Alvazzi del Frate, Research Officer, United Nations Interregional Crime and Justice Research Institute

Elia Yi Armstrong, Project Adviser, Division for Public Economics and Public Administration, United Nations

Daniel Blais, Accountability Expert, Programme for Accountability and Transparency, United Nations Development Programme, Bratislava

Alberto Bradanini, Director, United Nations Interregional Crime and Justice Research Institute

Bernard Gilchrist Bustamante, Director, Presidential Programme on the Fight against Corruption, Colombia

Gherardo Colombo, Deputy Prosecutor, Court of Milan, Italy

Peter Csonka, Directorate General I (Legal Affairs), Department of Crime Problems, Council of Europe

Barbara Dixon, Chief of Investigations, Office of Internal Oversight Services, United Nations

Kevin Ford, Executive Director and Counsel, Goldman Sachs International, London

Baltasar Garzon Real, Judge, Control Court of Justice, Madrid

Peter Langseth, Programme Manager, Global Programme against Corruption, Centre for International Crime Prevention, Office for Drug Control and Crime Prevention

Michael Levi, Professor of Criminology, University of Cardiff, United Kingdom of Great Britain and Northern Ireland

Ròbert Manchin, Executive Director, Gallup International Research and Education Centre, Budapest

Roberto de Michele, Director of Transparency Policy Planning. Anti-corruption Office, Ministry of Justice and Human Rights,Argentina

Miguel Angel Peñailillo López, Attorney, Council for General Internal Government Auditing, Presidency of the Republic of Chile

Jeremy Pope, Executive Director, Transparency International, London

Maurice Punch, Visiting Professor, London School of Economics and University of Essex, United Kingdom of Great Britain and Northern Ireland

Guido Rossi, Chairman, International Scientific and Professional Advisory Council

Fred Schenkelaars, Global Adviser, Programme for Accountability and Transparency, United Nations Development Programme, New York

Alexander Stoyanov, Director, Research Centre for the Study of Democracy, Coalition 2000 Sofia

Lau Wing Yum, District Judge, Subordinate Courts, Singapore

F. Crimes related to the computer network

L. C. Amarnathan, Sikkim Police Headquarters, India

Cormac Callanan, European Internet Service Provider Association, Ireland

Peter N. Grabosky, Australian Institute of Criminology, Australia

Masahito Inouye, University of Tokyo, Japan

Nigel Jones, Association of Chief Police Officers, United Kingdom of Great Britain and Northern Ireland

Ekkehart Kappler, Federal Crime Office, Germany

Henrik W. K. Kaspersen, Vrije Universiteit Amsterdam, Netherlands

Margo L. Langford, Barrister and Solicitor, Canada

Victor Lo, Hong Kong Police Force, Hong Kong (Special Administrative Region of China)

Keith Mitchell, London Internet Exchange, United Kingdom of Great Britain and Northern Ireland

Hans G. Nilsson, Council of the European Union

Donald K. Piragoff, Department of Justice, Canada

Mary Riley, United States Secret Service, United States of America

Gregory P. Schaffer, Computer Security Consultant, United States of America

Ulrich Sieber, University of Munich, Germany

Vittorio Stanca, National Computer Crime Unit, Italy

Michael Sussmann, Department of Justice, United States of America

G. Community involvement in crime prevention

Claude Brevan, Interministerial Delegate for Cities and Urban Social Development, France

John Calhoun, President and Chief Executive Officer, National Crime Prevention Council, United States of America

Rudy Castruita, Superintendent of Schools, San Diego County, USA

Mariano Ciafardini, National Director for Criminal Policy, Ministry of Justice, Argentina

Rosa Maria Clemente, Institute for Social Develoment, Ministryof Biodiversity, Social Security, Training and Employment

Paul Ekblom, Policing and Reducing Crime Unit, Research Development Statistics Directorate, Home Office, United Kingdom of Great Britain and Northern Ireland

Liliana Cannobbio Flores, Secretaría General de Gobierno, Chile

Neglash Getachew, Inter-Holistic Approach, Ethiopia

Roy Godson, President, National Strategy Information Centre

Barbara Hall, Chairperson, National Crime Prevention Strategy, Ministry of Justice, Canada

Mark Hildebrand, Manager, Representative of the European Union (The Cities Alliance and Work Bank)

Victor Jammers, Head, Crime Prevention and Victim Care, Ministry of Justice, Netherlands

S. D. Kaasjager, Policy Officer, UN Department, Political and Legal Affairs Division, Ministry of Foreign Affairs, The Netherlands.

Jojsef Lajta'r, Deputy State Secretary, Ministry of the Interior, Hungary

Antoinette Louw, Head of Crime Prevention and Policing Programme, Institute for Security Studies, South Africa

Michel Marcus, General Delegate, European Forum for Urban Safety

Lorenzo Gomez Martin, Secretary of Education, Baja California, Mexico

Ahmed Mohsen, Director, Department of International Cooperation, Naif Arab Academy for Security Sciences

Riccardo Mukonda, Legal Assistance Centre, Namibia

Philip Nel, Secretariat for Safety and Security, South Africa

Leoluca Orlando, Mayor of Palermo, Italy

Gonzalo Garcia Pino, Adviser, Department of the Interior, Chile

Bronwyn Sommerville, Director, Crime Prevention Unit, Department of the Prime Minister and Cabinet, New Zealand

Adam Stapleton, Penal Reform Office, Malawi

Franz Vanderschueren, Technical Adviser and Coordinator, Safer Cities Programme, United Nations Centre for Human Settlements (Habitat)

Yves Van de Vloet, Permanent Secretary, Permanent Secretariat for Prevention Policy, Ministry of the Interior, Belgium

Maria Teresa Viramontes, Executive Director, East Bay Public Safety Corridor Partnership, United States of America

Irvin Waller, Director- General, International Centre for the Prevention of Crime, Montreal, Canada

Nigel Whiskin, Chief Executive, Crime Concern, United Kingdom of Great Britain and Northern Ireland

H. Women in the criminal justice system

Christine Alder, Australian Institute of Criminology, Reader and Associate Professor, Department of Criminology, University of Melbourne, Australia

Noël Brennan, Deputy Assistant Attorney-General, Office of Justice Programmes, Department of Justice, United States of America

Vivienne Chin, International Centre for Criminal Law Reform and Criminal Justice Policy, Vancouver, Canada

Maude Clarke, Artistic Director, Somebody's Daughter Theatre, Australia

Renée Collette, Executive Vice-Chairperson, National Parole Board of Canada

Yvon Dandurand, International Centre for Criminal Law Reform and Criminal Justice Policy, Vancouver, Canada

Brice De Ruyver, Research Group on Drug Policy, Criminal Policy and International Crime, University of Ghent, Belgium

Edna Erez, Kent State University, United States of America

Alda Facio, Latin American Institute for the Prevention of crime and the Treatment of Offenders

James Finckenauer, Director, International Centre for Criminal Law Reform and Criminal Justice Policy, Vancouver, Canada

Olga Heaven, Female Prisoners' Welfare Project, Hibiscus, London

Frances Heidensohn, Goldsmiths College, University of London, Department of Social Policy and Politics, United Kingdom

Norma Hotaling, Executive Director, Standing against Global Exploitation, San Francisco, United States of America

Holly Johnson, Canadian Centre for Justice Statistics, Statistics Canada

Kristiine Kangaspunte, Global Programme against Trafficking in Human Beings, Centre for International Crime Prevention

Julita Lemgruber, Ombudswoman for the Police in the State of Rio de Janeiro, Brazil

Catherine Maceda, Deputy Executive Director, Commission on Filipinos Overseas, Philippines

Anne McLellan, Minister of Justice and Attorney-General of Canada, Department of Justice, Canada

Paola Monzini, United Nations Interrgional Crime and Justice Research Institute

Olive Newton, Soroptimist International, United Kingdom of Great Britain and Northern Ireland

Natalia Ollus, Research Officer, European Institute for Crime Prevention and Control affiliated with the United Nations

Priti Patkar, Secretary and Founding Trustee, Prerana, Mumbai, India

Evelyn Zellerer, School of Criminology and Criminal Justice, Florida State University, United States of America

Annex III

List of documents before the Tenth Congress on the Prevention of Crime and the Treatment of Offenders

Document number	*Agenda item*	*Title or description*
A/CONF.187/1		Provisional agenda
A/CONF.187/2	2	Provisional rules of procedure for United Nations congresses on the prevention of crime and the treatment of offenders
A/CONF.187/3	3	Working paper on promoting the rule of law and strengthening the criminal justice system
A/CONF.187/4/Rev.3 and Add.1-3	3, 4, 5 and 6	Preliminary draft of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century
A/CONF.187/5	1	Report of the Secretary-General on the state of crime and criminal justice worldwide
A/CONF.187/6	4	Working paper on international cooperation in combating transnational crime: new challenges in the twenty-first century
A/CONF.187/7	5	Working paper on effective crime prevention: keeping pace with new developments
A/CONF.187/8	6	Working paper on offenders and victims: accountability and fairness in the criminal justice process
A/CONF.187/9	4	Background paper on international cooperation in combating transnational crime: new challenges in the twenty-first century
A/CONF.187/10	5	Background paper on crimes related to the computer network
A/CONF.187/11	5	Background paper on community involvement in crime prevention
A/CONF.187/12	6	Background paper on women in the criminal justice system
A/CONF.187/13 and Add.1-8	6	Statements submitted by experts on a bill of rights for victims
A/CONF.187/14 and Corr.1	2 (e)	Report of the Credentials Committee

Document number	*Agenda item*	*Title or description*
A/CONF.187/L.1		Report of the pre-Congress consultations held at the Austria Center, Vienna, on 9 April 2000
A/CONF.187/L.2 and Corr.1 and Add.1-3	7	Draft report
A/CONF.187/L.3	3	Report of Committee I on topic I
A/CONF.187/L.4	4	Report of Committee II on the workshop on combating corruption
A/CONF.187/L.5	5	Report of Committee II on the workshop on community involvement in crime prevention
A/CONF.187/L.6	6	Report of Committee II on the workshop on women in the criminal justice system
A/CONF.187/L.7	5	Report of Committee I on topic III
A/CONF.187/L.8	7	Report of Committee II
A/CONF.187/L.9	6	Report of Committee I on topic IV
A/CONF.187/L.10	5	Report of Committee II on the workshop on crimes related to computer networks
A/CONF.187/INF.1		Information for participants
A/CONF.187/MISC.1 and Add.1		Provisional list of participants
A/CONF.187/PM.1 and Add.1		Discussion guide on the workshops, ancillary meetings, symposia and exhibits to be held at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders
A/CONF.187/GUIDE.1/Rev.1		Guide for participants
A/CONF.187/RPM.1 and Corr.1		Report of the Asian and Pacific Regional Preparatory Meeting for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Bangkok from 2 to 4 November 1998
A/CONF.187/RPM.2/1		Report of the Western Asian Regional Preparatory Meeting for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Beirut from 11 to 13 November 1998

Document number	*Agenda item*	*Title or description*
A/CONF.187/RPM.3/1		Report of the African Regional Preparatory Meeting for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Kampala from 7 to 9 December 1998
A/CONF.187/RPM.4/1		Report of the Latin American and Caribbean Regional Preparatory Meeting for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in San José from 22 to 24 February 1999
NGO documents		
A/CONF.187/NGO/1	6	Report of the Ninth Joint Colloquium, held in Courmayeur, Italy, from 24 to 26 September 1999
A/CONF.187/NGO/2	5	New Delhi Declaration adopted by the Seventh Asia Crime Prevention Foundation World Conference on Crime Prevention and Criminal Justice on the theme "Effective regional cooperation in crime prevention and criminal justice in the next millennium", held in New Delhi from 23 to 26 November 1999
A/CONF.187/NGO/3	4	Soroptimists meeting the challenge of the twenty-first century
A/CONF.187/NGO/4	6	Protection of victims of violence against women and children
A/CONF.187/NGO/5	6	Juvenile offenders as citizens
A/CONF.187/NGO/6	6	Offenders and victims: accountability and fairness in the justice process
A/CONF.187/NGO/7	6	Restorative justice handbook
A/CONF.187/NGO/8		[*Not issued.*]
A/CONF.187/NGO/9	3	Promoting the rule of law and strengthening the criminal justice system
A/CONF.187/NGO/10	4	International cooperation in combating transnational crime: new challenges for the twenty-first century
A/CONF.187/NGO/11	5	Effective crime prevention: keeping pace with new developments
A/CONF.187/NGO/12	6	Offenders and victims: accountability and fairness in the justice process

Document number	*Agenda item*	*Title or description*
A/CONF.187/NGO/13	6	An overview of restorative justice programmes and issues
A/CONF.187/NGO/14	6	A bridge for peace: modelling restorational steps that cut cycles of crime and war
A/CONF.187/NGO/JFBA/1		Report to the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders